

April 22, 2019

1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

-v-

Case No. 17-20521

MICHAEL A. BERENSON,

Defendant.

SENTENCING

BEFORE THE HONORABLE JUDITH E. LEVY
UNITED STATES DISTRICT JUDGE

APRIL 22, 2019

APPEARANCES:

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April 22, 2019

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Proceedings.....3

Certificate.....129

April 22, 2019

3

P R O C E E D I N G S

THE CASE MANAGER: Now calling case number 17-20521, United States of America vs Michael A. Berenson. Counsel for parties, please state your appearance for the record.

MS. RUSSO: Good afternoon, Your Honor. April Russo on behalf of the United States. With me at counsel table is paralegal Meghann O'Connor and FBI Agent Adam Christianson.

THE COURT: Okay. Thank you, very much. Please be seated.

MR. THOMAS: Your Honor, before we start --

THE COURT: Just one second. Okay.

MR. THOMAS: Here we go. I think the defendant's coming.

THE COURT: We're being joined by Mr. Berenson.

MR. THOMAS: Your Honor, my name is James Thomas. I'm appearing on behalf of Mr. Berenson along with co-counsel John Shea and the defendant who's now walking to my side.

THE COURT: Okay. Well, thank you, very much. Please be seated. All right.

And that's you, Mr. Berenson?

THE DEFENDANT: Hello.

THE COURT: Hello. I recognize you. And I want the record to reflect that you're here.

So this is the date and the time that has been set for sentencing in this case, United States of America vs

April 22, 2019

4

1 Michael Berenson. Mr. Berenson, you pled guilty to Count 1 of
2 the first superseding indictment and you did so with a Rule 11
3 plea agreement.

4 Count 1 charged you with child exploitation
5 enterprise. Your plea of guilty was accepted at the time of
6 your plea hearing. And the plea agreement itself was taken
7 under advisement.

8 Do you wish to maintain your plea of guilty?

9 THE DEFENDANT: Yes.

10 THE COURT: And at that time you were represented by
11 your two lawyers who are here with you today. At that time I
12 asked you whether you had had any problems with your lawyers
13 that you thought I should be aware of. And I'd like to ask
14 that question of you again today.

15 THE DEFENDANT: No.

16 THE COURT: Okay. And I didn't anticipate that you
17 would have had an issue, but it's my duty to ensure that your
18 Sixth Amendment right to the effective assistance of a lawyer
19 has been met.

20 So we'll now proceed with the sentencing hearing.
21 I've had an opportunity to review the presentence
22 investigation report prepared by Chelsea Harris. Ms. Harris
23 is in the courtroom with us today. I've also had an
24 opportunity to meet with her just prior to this hearing. I'd
25 like to thank her for her work on the report. It is very

April 22, 2019

5

1 thorough and it is very helpful to me in understanding some of
2 the facts of this case.

3 It was prepared on February 15th of 2019. And
4 there's no indication of revisions after that date.

5 Ms. Russo, is that the report that you worked off of?

6 MS. RUSSO: It is, Your Honor.

7 THE COURT: Okay. Do you have any corrections,
8 changes?

9 MS. RUSSO: No, I do not, Your Honor.

10 THE COURT: Okay. Mr. Thomas.

11 MR. THOMAS: Yes, Judge. I had a chance to review
12 the report. And we had no objections to the presentence
13 report as it was filed. There were some minor corrections in
14 addition that I wanted to address to the Court. But I don't
15 think that they're dispositive because in any event, we have a
16 20-year mandatory minimum, which we agree to. And we also
17 have potential for life imprisonment for guidelines.

18 THE COURT: Okay.

19 MR. THOMAS: We also understand that the government
20 has recommended life imprisonment but that doesn't mean
21 necessarily that the Court would impose that. And towards
22 that end, we provided a sentencing memorandum to the Court.

23 THE COURT: Yes. Well, let me indicate I received an
24 extensive sentencing memorandum from you, Mr. Thomas, along
25 with all of the attachments. And I also received the same

April 22, 2019

6

1 from Ms. Russo on behalf of the government with many exhibits,
2 letters from victims, and their families and others. As well
3 as a CD that I've had, or DVD -- I don't know which it is --
4 that I've had an opportunity to review.

5 So in light of your representation just now, Mr.
6 Thomas, I will accept the presentence report as written
7 without revisions.

8 And also I'll accept the Rule 11 plea agreement
9 itself. And it results in a guidelines calculation of an
10 offense level of 43, a criminal history category of 1, with
11 the applicable sentencing guideline being life in sentence --
12 life in prison. And I understand there's a 20-year mandatory
13 minimum that is required by law.

14 I am aware that the guidelines are advisory and that
15 I have the authority to either depart upward or downward and
16 likewise to vary for appropriate reasons that would need to be
17 set forth on the record.

18 MR. THOMAS: One other thing.

19 THE COURT: Okay.

20 MR. THOMAS: And that is, Judge, that we believe that
21 the conduct that is involved in this case is subsumed by the
22 previous state charges that are yet to be dismissed or will be
23 dismissed soon. And it's my understanding that the government
24 is going to recommend that that conduct be considered relevant
25 conduct and that we will be able to get credit back to the

April 22, 2019

7

1 date of arrest, May 10th.

2 THE COURT: I see. Ms. Russo -- let me say this.
3 Shawna, do we have people in the other courtroom? No. So
4 everybody's here in this courtroom? Okay. Good. Because
5 otherwise everyone needs to speak only into the microphone.
6 So we don't need to worry about that. Okay.

7 MS. RUSSO: So Your Honor, with respect to what Mr.
8 Thomas is talking about, that is true. The government is
9 asking for life. However, if this Court were to impose a
10 sentence that was not life and a term of years, then the
11 government would ask that you give Mr. Berenson credit
12 essentially for the time that he's been in state custody and
13 not getting credit for his federal sentence, which was
14 May 10, 2017, to today's date, Your Honor.

15 So essentially if Your Honor was going to impose a
16 sentence of, let's say, 60 years, we'd ask that you give him
17 that credit for the time that he's been there.

18 THE COURT: I understand. Okay. Well, we'll address
19 that later then. Thank you.

20 Well, then in light of that, if there are no other
21 motions for the Court to consider, what I would do is begin by
22 inviting those victims who would like to address the Court to
23 speak. I have a few remarks I'd like to say before that
24 begins.

25 After that, I would then call upon the government to

April 22, 2019

8

1 address the Court on the sentence you believe is appropriate.
2 And then Mr. Thomas, of course I would call upon you after
3 that. Mr. Berenson, if you wish to speak during your
4 sentencing hearing, you may do so although you're not required
5 to speak.

6 MS. RUSSO: One additional thing, Your Honor. I did
7 file a reply memorandum. I just want to make sure --

8 THE COURT: I did get that and I read it today.

9 MS. RUSSO: Thank you, your Honor.

10 THE COURT: Yes. So what I would do now is invite
11 those victims who wish to address the Court to do so. And
12 please know that you may step forward and speak. We have a
13 lectern with a microphone. And then I will listen to
14 everything that you have to say with an open mind and an open
15 heart.

16 If you do not want to speak out loud, I'll also know
17 that you're here. I can see you. And I'm very pleased that
18 you are here. You have taken the extraordinary effort of
19 coming to Michigan, taking time out of your lives and
20 traveling here to make yourselves known.

21 I don't underestimate the stress and toll that just
22 being here must be taking on each of you. And I will have
23 more to say about that at the conclusion of your remarks. So
24 what I would do is call upon Ms. Russo to assist the victims
25 who would like to speak.

April 22, 2019

9

1 MS. RUSSO: Your Honor, the first victim impact
2 statement is of minor victim 27. That's Amanda Todd. Her mom
3 is here in the courtroom. And she would like this statement
4 played. She also has a statement herself that she would like
5 to make.

6 THE COURT: Okay.

7 (Recording Played)

8 MS. RUSSO: Your Honor, we're going to have minor
9 victim 1's mom come forward now.

10 THE COURT: Welcome.

11 PARENT OF MINOR VICTIM 1: Thank you.

12 THE COURT: You can take your time.

13 PARENT OF MINOR VICTIM 1: That story is my
14 daughter's story so much. It's hard. Sorry.

15 THE COURT: You can take as much time as you need.

16 PARENT OF MINOR VICTIM 1: Okay. It's really hard to
17 walk up here and speak in front of the inhuman person who
18 recognized was part of my daughter's most vial experiences of
19 her life. We had several anxiety attacks this month trying to
20 prepare ourselves to face this. I'm so incredibly proud of
21 her for pushing to be here.

22 THE COURT: Me, too.

23 PARENT OF MINOR VICTIM 1: Thank you. I am here to
24 see that she will be made to feel safe again. And I am here
25 so that my daughter can witness justice and won't feel as

April 22, 2019

10

1 shamed knowing that this person can never get to her or any
2 other children again.

3 His actions and fetish desires have robbed my
4 daughter of her security and a happy childhood. She was
5 threatened and blackmailed. And her pictures weren't just
6 naked. She was made to not just reveal herself but to self
7 harm for personal enjoyment. Her esteem was crushed. She is
8 physically and emotionally scarred for life. She suffers from
9 anxiety attacks still from what happened to her. And for her,
10 it ended years ago.

11 The amount of time spent with her on video chatting
12 with him was a lot. She thought that that was her friend.
13 She didn't know that he was blackmailing her behind her back.
14 She was too young to even consent.

15 THE COURT: How old was she?

16 PARENT OF MINOR VICTIM 1: She was 11 when this
17 started. But none of this was consent. What children asks to
18 be violated in the ways that she was?

19 It's not even with ill will that I hope for a severe
20 sentence. It is -- I just -- you can't comprehend the damage
21 that's been done to not just her but her friends have been
22 involved that was pulled into this.

23 I believe that my daughter from my experience was one
24 of the first early on people. And so her friend group was
25 also violated. I do believe wholeheartedly in forgiveness

April 22, 2019

11

1 even. I believe that people make mistakes. But I can't find
2 forgiveness for this.

3 It was so deliberate and organized. It was repeated
4 on a daily basis for years. She went through this for five
5 years.

6 I feel that even the most hardened people spare
7 children and think that there is something sacred. To be
8 capable of hurting a child is such a show of lack of humanity.
9 To this day she is scared that someone is still going to try
10 to hurt us. But I'm not. I don't want her to be scared
11 anymore.

12 So that's why we need to come and see that there's no
13 reason to be afraid anymore, that this one person is not going
14 to be there to hurt us at all.

15 Comfort just doesn't come easy for her after being
16 manipulated and coerced for years to touch and hurt herself.
17 But we take a lot of strength saying how serious the FBI, the
18 case agents, our judges in our judicial system have been
19 taking this to give her and me both peace.

20 She almost didn't graduate high school. We didn't
21 know why. She shut her computer off one day and then didn't
22 -- just wouldn't touch it again. But didn't make a big deal
23 about it. So I just thought maybe she was over it. Maybe she
24 just didn't want to be online anymore. I had no idea that
25 this was going to be the reason behind why.

April 22, 2019

12

1 Right before her graduation, one of her counselors
2 called me and told me that the school was supposed to notify
3 me 30 days ahead of time she was 7 credits behind. I went to
4 the school that day and I demanded pretty much an extra day.
5 I had no idea any of this was going on. I just demanded an
6 extra day. Had no idea where she was with her work. I just
7 wanted to try.

8 THE COURT: She's very lucky to have you for a
9 mother.

10 PARENT OF MINOR VICTIM 1: We got there. Seven
11 credits worth of the schoolwork was completed but it was never
12 typed into the computer. That day, the teachers allowed us --
13 we had to go to each teacher and give permission to have extra
14 time and that they would take the time to grade her papers.

15 So they gave it to us. And that day we typed up 7
16 credits worth of schoolwork. And she ended up graduating. It
17 wasn't until almost two years -- almost a year later that we
18 found out why. My daughter had never told me why. And as far
19 as she knew, she was not talking to adults.

20 Amanda's story very much is my daughter's story, too.
21 And I'm very grateful to still have her. I feel very lucky.
22 I don't -- there's just not a -- there's not going to be a
23 consequence that matches these girls' pain. Thank you for
24 having us here.

25 THE COURT: Thank you, very much, for being here.

April 22, 2019

13

1 MS. RUSSO: Your Honor, Minor Victim 1 will now make
2 a statement.

3 THE COURT: Okay.

4 MINOR VICTIM 1: Hello, Your Honor.

5 THE COURT: Well, welcome. Hello.

6 MINOR VICTIM 1: That video like --

7 THE COURT: That's a tough one.

8 MINOR VICTIM 1: Yeah.

9 THE COURT: Take your time.

10 MINOR VICTIM 1: So I am a 20-year-old girl standing
11 here today facing the monster that destroyed my childhood due
12 to child exploitation. Not only did he ruin my life but he
13 had many other victims to prey on.

14 Let me tell you where this all began. I had a friend
15 that introduced me to the internet. I started making a bunch
16 of online friends. More than I had in day-to-day real life.
17 The internet was my escape from depression that I didn't know
18 I had at the time.

19 My friend made videos that looked real but really
20 weren't. But her videos got lots of reviews and responses so
21 I decided I would start making videos. The videos were not
22 provocative whatsoever. After being on the website for so
23 long, I started getting messages to join chat rooms. After a
24 while of getting the requests I decided I would accept one.

25 This is where the problems began. I was the only one

April 22, 2019

14

1 on web cam and there was just the chat underneath me. It felt
2 normal at first. Then it started feeling strange because I
3 was looking at myself with a bunch of words underneath me. I
4 brushed it off and continued because I enjoyed having friends
5 to talk to everyday. They were always there no matter what
6 time or day.

7 After a while of them gaining my trust and getting to
8 know them, I started being flirtatious with them. They seemed
9 to enjoy it and I liked the attention they were giving me so I
10 continued to do so. I teased them and one of them recorded me
11 on video. From then on, I was blackmailed into doing things I
12 didn't want to do.

13 They would threaten to come to my house and hurt me
14 and my family. They named everyone in my house. So I knew
15 that these threats were serious. I never told anyone about it
16 because I thought I could fix it myself on my own. They would
17 tell me to take off my clothes and touch myself in sexual
18 ways. So I would try to accommodate to their desires because
19 I was scared.

20 Every time I would do -- every time I would do so,
21 they would record me and blackmail me over and over and over
22 again which turned into an intimidating viscous cycle. I felt
23 like I was being watched 24/7. And this started to take a
24 turn on my daily life.

25 I started hurting myself and I was in and out of the

1 hospital for self harm and attempted suicide. I know they
2 knew I was hurting because they would watch me cry. And some
3 would even ask me to self harm while they watched.

4 I had enough of being harassed and manipulated that I
5 ended up -- that I ended up never wanting to touch my computer
6 again. The tragic pain this has caused me still today eats my
7 soul. Even though I still never touch my computer to this
8 day, I still live in fear that they would find a way to hurt
9 my family.

10 Today after all those years of hurt, I struggle with
11 self love, anxiety, depression. Thinking back to those days
12 causes me to cry myself to sleep wondering when the monster
13 would stop haunting me. That is my statement.

14 THE COURT: Well, thank you, very much. You're very
15 brave.

16 MINOR VICTIM 1: Thank you.

17 MS. RUSSO: Your Honor, Minor Victim 2.

18 THE COURT: Welcome.

19 MINOR VICTIM 2: Good afternoon, Your Honor. I'd
20 like to start off saying my name is Ciara and people might
21 question why I would want to say my name like this.

22 THE COURT: Not at all.

23 MINOR VICTIM 2: But I'd like to say it because I'm
24 not ashamed anymore.

25 THE COURT: Thank you.

April 22, 2019

16

1 MINOR VICTIM 2: And I'm not afraid. People know my
2 story.

3 When I was 12 years old and I was on the verge of
4 entering into what was supposed to be such an exciting time
5 for me, I was going to become a teenager. I was starting to
6 become the person I wanted to be. I was supposed to be happy
7 and carefree like everybody else.

8 I was entering puberty so I was curious. I was
9 curious of the outside world, of the opposite sex, the same
10 sex. Just of other people my age in general.

11 My friend and I entered a site called Omegal
12 [phonetic] and it was the trend where people sparked interest
13 in people of the outside world, of people outside of our
14 country. It was either chat based or webcam based and it was
15 fun from the start.

16 It was before Instagram, before Snapchat, before
17 social media of this generation took and captured young minds.
18 There we were put against each other. We were rated against
19 each other. We were asked to flash and put each other against
20 one another. We started to lose our friendship at this point.

21 If someone didn't ask for your ASL, which was your
22 age, sex, and location, then it would be suspicious, like they
23 weren't real. On Omegal and Giftyo [phonetic], which is
24 another similar site, is where we became aware of the site
25 referenced Website A.

April 22, 2019

17

1 Here it wasn't randomized where random people. Here
2 I was the star. People came to see me. They made me feel
3 famous. I was popular. In the eyes of a 13-year-old girl,
4 this was absolute heaven.

5 Growing up in a society where you have to look a
6 certain way, dress a certain way, and act a certain way, a
7 ways that I did not -- I knew that I did not look or act, that
8 I wasn't pretty to every eye in my high school or elementary
9 school. Things that I wanted to be. But here I was.

10 As weeks went by, my best friend and I were on these
11 chats hours at a time every single day. Eventually summer ran
12 out and we went our separate ways for a while. But chats
13 continued and they were separate now.

14 We had the separated chats and through these
15 separated chats we each formed individual bonds, individual
16 relationships with countless people we called friends. As
17 months continued to go by, I got attached to a handful of guys
18 outside and they were my friends. It didn't matter that they
19 were online. We shared secrets and feelings.

20 My best friend and I got together one last time that
21 I can remember. And it was like a switch flipped. These
22 people in these chats, they asked us to kiss. They asked us
23 to flash and dance erotically. They asked us to hurt
24 ourselves. But they were our friends. So why wouldn't we?
25 We trusted them.

April 22, 2019

18

1 We didn't just meet them yesterday. This was months
2 and months and months of talking to them. They were presented
3 to us in game format such as dares. And who doesn't like a
4 good game? So the dares were fulfilled. And only took one
5 time for them to become obsessed. Attached to us.

6 I talked to a few guys mainly outside the chat where
7 the message got -- where the messages got intimate, where they
8 got private. One would take the role as funny, the best
9 friend type. The other took the one as your boyfriend. We
10 all thought they were our boyfriends.

11 I don't know why I fell in love with this guy. If it
12 was because I was insecure or I wanted the attention that I
13 wasn't getting in the outside world. Because I never heard
14 his voice and I never saw his face. But he had my love.

15 After consecutive months of talking to in the group
16 chat and in the private chats, I met a guy on the outside who
17 actually liked me, who actually wanted to be with me and he
18 was real. I could touch him. So I told my chat friends bye
19 and I thought that would be it. I thought.

20 The people who would supposedly had my back, they
21 turned. They told me if I didn't do exactly what they said,
22 that they would ruin me. He presented me with pictures that
23 he had taken unbeknownst to me, taken of my breasts, of my
24 friend -- of my friend kissing me, of things that I didn't
25 even know or remember that I did.

April 22, 2019

19

1 He sent me Google map pictures of my house. My mom's
2 name, my dad's name, my sister's name, their job occupations.
3 He told me that they would be hurt. That things would happen
4 to me. But the things that would happen to them would be
5 worse. This was a group of people, a man that I trusted.

6 I never disclosed any of this information he
7 obtained. So the threats were real. I constantly asked
8 myself why or how. Why me? I was terrified and ashamed. I
9 was guilty. I did this to myself.

10 So being me, my moral code, which these people, this
11 man, had studied and nailed down to the tee was in check. I
12 did what I did to protect my family. What would you do for
13 yours?

14 I succumbed to his threats. I stripped at his
15 demands. And as his demands got increasingly worse from
16 flashing and dancing to cutting my hair on camera, to slicing
17 my legs, my sides, and my arms as deep as I could possibly
18 tolerate with razor blades found from underneath the vanity,
19 all for his personal satisfaction and sexual pleasure.

20 I was made aware that there was a point system. The
21 worst the task, the more sexual, the more dangerous or erotic,
22 the more points you would get. This was fun for him. This
23 was a game. I followed all his rules. Until he told me that
24 there would be consequences if I didn't fulfill one task, a
25 task of erotic pleasure from almost dying. For him at least.

April 22, 2019

20

1 I couldn't do it. I called my best friend who is
2 here in this court today and I told her exactly what was going
3 on. And she was going through the exact same situation. And
4 I could not believe. Why me? Why us? I never asked for
5 this. I never wanted it. I never wanted to be in this
6 situation.

7 Months keep passing and the psychological torture was
8 horrible. Unimaginable. Every day I woke up and I wondered
9 if I'd be ruined today. If I could even be more ruined than I
10 am already. If my future career as a nurse would be ruined.
11 If my family would be hurt, killed. I didn't know what to do
12 so I constantly just succumbed to his demands.

13 Finally I had enough and I tried to tell him that the
14 liver issue and medical condition that I currently have was
15 way more serious. I told him I had cancer. I thought that he
16 would feel bad for me, that he would just leave me alone, and
17 that it wasn't fun for him anymore because I was seriously
18 sick. But that just got me more points.

19 They got the sick girl. And one day after that did
20 not work, I shut my computer and I did not go back on that
21 website. I didn't even go on the new computer that I had just
22 gotten. Ever. I was terrified.

23 They knew where I lived my whole life. I shut
24 everything out. The memories of disgusting painful torturous
25 things that I did, the idea and fear that my dad would see

April 22, 2019

21

1 dirty images of me circulating on the internet and not
2 understanding that I did them for him, to protect him.
3 Instead of thinking that I'm just some slut. Thinking my
4 sister would be kidnapped, thinking my mom would be hung.
5 They are terrifying to anyone, much less a 13-year-old girl.

6 I tried to kill myself because life wasn't the same.
7 Like I was ruined, gross. Like I had no morals anymore. That
8 I was inevitably set up for failure. My relationships were
9 ruined. They currently are ruined.

10 Five years I stayed with a man, a boy, because I
11 thought it was okay for me to treat me the way he did. He
12 wasn't horrible. He just didn't know how to treat a woman.
13 But I thought it was okay because when I was entering
14 adulthood I was showed that it was okay by men hiding behind a
15 keyboard. Now I'm approaching 20 and I'll turn 20 on May
16 10th.

17 THE COURT: Congratulations.

18 MINOR VICTIM 2: Thank you. An age that I didn't
19 think I would see. I distrust everything and everyone, even
20 when there is factual proof that they are telling the truth.
21 Because when I was developing major communication relationship
22 ideas in my brain, I was deceived.

23 I was deceived by these men, this man. But not just
24 by these men and this man, I was deceived by all men. My
25 image of men is completely and utterly ruined. I am trying to

April 22, 2019

22

1 rebuild that and myself everyday.

2 I struggle with venting my feelings in communication.
3 I'm scared everything I say will be used against me in any
4 kind of way. The man that I'm with now, I almost lost him
5 because it took me over a year to even come out with anything.
6 And that's hard for anything, anyone to understand.

7 I fight for my sanity everyday and I sit back and I
8 tell myself do not lash out, don't cry, that you're okay and
9 you are strong and you have overcome the worst.

10 I was blackmailed by someone who still to this day I
11 don't know if they actually would have came to my house and
12 kidnapped my sister and leaked all my photos.

13 They have hurt me from inflicting pain through a
14 piece of technology. They have hurt me from making me inflict
15 pain on myself. And I'm here to seek the ultimate justice for
16 someone that impacted my life eight years ago and still
17 impacts it every single day.

18 I'm standing here for the girl, Amanda, who cannot
19 stand here for herself. And for countless other little boys
20 and little girls who go through this that don't get the
21 chance. He has not won. You didn't win with Amanda. And you
22 didn't win with me. And we need to show him that he didn't
23 win.

24 THE COURT: No, he clearly has not won. You are
25 strong and powerful person.

April 22, 2019

23

1 MINOR VICTIM 2: Thank you. Thank you.

2 THE COURT: And I might also just add that I was a
3 13-year-old girl. So I appreciate so much what you were able
4 to say here.

5 MINOR VICTIM 2: Thank you.

6 MS. RUSSO: Your Honor, this is MV-2's mom.

7 THE COURT: Welcome. You've got a phenomenal
8 daughter.

9 PARENT OF MINOR VICTIM 2: After my daughter's
10 statement, what I have written is meaningless but I'm going to
11 stick with it because --

12 THE COURT: Let me just say, nothing that's said here
13 is meaningless. Nothing at all. Everything is meaningful and
14 everything is helpful.

15 PARENT OF MINOR VICTIM 2: As you just heard, my
16 daughter's life been touched mentally affected and
17 unchangeably altered. She's scarred. She will live the rest
18 of her life with these scars. Some are visible self-inflicted
19 scars at the demand of this predator. Some are as deep as he
20 wanted to see more blood and more pain in her face. She has
21 many, many more invisible internal scars that affect her
22 everyday. She battles with depression and anxiety, her self
23 image, her confidence.

24 She has difficulty in relationships, trust issues,
25 image issues. She feels ashamed and guilty. My daughter

April 22, 2019

24

1 shouldn't feel that way.

2 THE COURT: There's only one -- a couple of people in
3 this room who need to be ashamed and it's no one who's been
4 speaking.

5 PARENT OF MINOR VICTIM 2: His threats of exposing
6 her of hurting and killing her, me, and my other daughter, she
7 kept quiet because she was afraid if these threats were real.
8 She'll never completely recover. She'll never know a life,
9 the life that she would have known without the scars from her
10 interaction with a predator.

11 There's no excuse of any kind for his sick predatory
12 behavior. No excuse of any kind. His life should be forever
13 impacted spent behind bars as my daughter's life has been
14 forever changed.

15 THE COURT: Thank you, very much.

16 MS. RUSSO: Your Honor, minor victim 3 is the next
17 person to speak. She's not here with us but she's on the
18 phone. She has an impact statement that she would like to
19 make, Your Honor.

20 THE COURT: Okay. And is the -- I have a telephone
21 here. We need to make sure that Jeseca can hear it and get it
22 on the record.

23 MS. RUSSO: She's listening to the hearing, Your
24 Honor.

25 THE COURT: Okay. You may speak now.

April 22, 2019

25

1 MINOR VICTIM 3 (Appearing by phone): Hello.

2 THE COURT: Oh, there you are. Well, welcome. I'm
3 sorry. I didn't realize you were already on the phone.

4 MINOR VICTIM 3: Sorry I could not be there today.

5 THE COURT: Well, as far as I'm concerned, you are
6 here today.

7 MINOR VICTIM 3: And I appreciate having the chance
8 --

9 THE COURT: Hold on. Let me try to increase the
10 volume. Could you say a couple of words?

11 MINOR VICTIM 3: Yes. Is this better?

12 THE COURT: Oh, there you are. Okay. We've got you.

13 MINOR VICTIM 3: Okay. I'm going to hold the phone
14 up. Maybe that will -- so I --

15 THE COURT: Now we're not hearing you so well.

16 MINOR VICTIM 3: Is this better?

17 THE COURT: Yes.

18 MINOR VICTIM 3: Okay. So [Inaudible] chance today
19 and even just having the chance to listen to statements from
20 other girls today because I express how lonely I've been to be
21 a victim of all of this. It's incredibly lonely so much
22 guilt. And to feel like it's your fault because you were a
23 young person and didn't understand.

24 But so my story is [Inaudible] first encountered Mike
25 Berenson when I was 13 years old. I had a website that is

April 22, 2019

26

1 named YouNow. At that time if you signed up under a certain
2 age you would be automatically [Inaudible] into a children
3 [Inaudible] of that popular website.

4 [Inaudible] predators [Inaudible] Berenson a
5 substantial number of children to prey on. Mike Berenson and
6 many others [Inaudible] children [Inaudible] onto a website
7 called chatteen.com. They would do anything to get girls to
8 take clothes off so they could record them in the act and
9 trade them amongst each other to blackmail later.

10 In my case, I was blackmailed over two years of my
11 life. I ignored most of the threats. And I [Inaudible] a
12 bunch of edgy older men and I eventually logged off of the
13 site for good. Trying to reclaim my life [Inaudible] grow up,
14 become an adult in peace.

15 And I paid the price for it [Inaudible] 13. When I
16 was in my living room on a [Inaudible] and I started getting
17 all these [Inaudible]. When I was [Inaudible] to everyone
18 that I knew. They sent them to my family, my [Inaudible], and
19 my church.

20 [Inaudible] dramatic [Inaudible] was embarrassed
21 [Inaudible] and a slew of negative emotions. My school even
22 [Inaudible] the time. And I had to [Inaudible] I ended up
23 [Inaudible] myself to graduate, become an adult [Inaudible] so
24 that I could move on from the [Inaudible] once and for all.

25 [Inaudible] this happened after the Amanda Todd case.

April 22, 2019

27

1 They knew [Inaudible] and I do believe wanted me to be a
2 victim like Amanda.

3 The entire dealing with [Inaudible] like Mike
4 Berenson was life changing. I felt [Inaudible] I didn't know
5 how [Inaudible] and I still do not. I could barely focus in
6 school. [Inaudible] it caused a large rift and I had no one
7 [Inaudible] older teen to adult [Inaudible]. I'm now
8 [Inaudible] years old and I'm impacted by this in my day to
9 day life. I do not live [Inaudible] is because of this issue.

10 [Inaudible] at the end of the day I believe that I
11 have my life. Regrettably not every victim is able to say
12 that. Every single one [Inaudible] need to be locked up
13 [Inaudible] Michael Berenson. And that's all.

14 THE COURT: Thank you very much. We're all
15 tremendously thankful that you are here and you were able to
16 speak today.

17 MS. RUSSO: Your Honor, the next victim impact
18 statement is going to be from Minor Victim 5 and Minor Victim
19 5's mother.

20 THE COURT: Welcome.

21 MS. RUSSO: Your Honor, Minor Victim 5's a little
22 sick. So she's asked me to read her statement for her.

23 THE COURT: Okay.

24 MS. RUSSO: This man -- well, I don't know if I can
25 call him a man -- is a terrible person. He is the worst

1 possible person that you can meet. He has hurt so many girls
2 that he should never be able to speak to a girl ever again.

3 This jerk would tell girls to cut themselves knowing
4 that they are in pain and need someone to talk to. And he
5 would tell the girls that cutting was the solution. And that
6 is definitely not the solution. It never will be.

7 This person would laugh when he made girls cry. And
8 that was his main goal. Make girls feel like they are
9 worthless and making them feel like they don't have a place in
10 this world.

11 I also felt the wrath of this thing sitting over
12 there and his evil ways of making girls feel like trash. I
13 witnessed many girls just start balling their eyes out from
14 what this pervert said to them and then told them that they
15 don't matter and should go hang themselves.

16 I would go to these girls and tell them not to listen
17 to him because he is a jerk. He would not be happy until he
18 made a girl cry. I have nightmares every night because of
19 what he did to me. I tried to ignore him but you can't when
20 he is so manipulating and makes you feel like you are nothing.

21 I have been going to therapy for a while now. And
22 sometimes I can go with only seeing her once a month. But
23 something can bring back a memory and I will have to see her
24 once a week. And it is energy consuming because you think
25 that you are fine and a minute later you're balling your eyes

April 22, 2019

29

1 out because something reminds you of it.

2 You also feel useless when you hear someone talking
3 about them talking to someone and they plan on meting them and
4 you tell them not to because it is dangerous and they don't
5 listen to you. And you just have to sit there and get sick
6 because you can't do anything about it. And you don't want
7 that person to go through what you've gone through because it
8 is terrible. And no one should have to go through it.

9 What he did to me is absolutely unbelievable. And it
10 ruined my life in many ways. I am always afraid to go outside
11 now because myself because I'm afraid that I will get
12 kidnapped. I can't get a good night sleep because of the
13 nightmares. And when I wake up in the morning my throat hurts
14 from all of the screaming.

15 This ruins my relationships with people because
16 whenever I go over to someone's house, whether it's my first
17 time to their house or a hundredth time, everyone has to know
18 about this stuff. And it makes me feel uncomfortable because
19 it makes I feel like they watch me even more and sometimes
20 don't want me to be there because of what happened.

21 THE COURT: Thank you, very much, for your statement.
22 It's very brave and I'm thankful that you're here. And I will
23 say this, I want to hear your statement.

24 PARENT OF MINOR VICTIM 5: Isn't therapy.

25 THE COURT: I'm thankful that you have a therapist,

April 22, 2019

30

1 too, who you can talk to.

2 PARENT OF MINOR VICTIM 5: So, well, this isn't our
3 first time here. This is our third round. And after the
4 first time, we thought it was kind of over and now we're on
5 our third. And it keeps coming back and back and haunting us.

6 Since I at first didn't know what happened fully
7 until I became aware. But I'm not fully -- each time we come,
8 I learn more and more. Because she has no trust in me yet
9 because she has no trust in anybody thanks to people like -- I
10 don't even want to say who he is. And it's hard.

11 I'm a really easygoing mom. Unfortunately I think I
12 was too easy. But then I don't -- after hearing others, I
13 know I'm not. And it's just -- it's been overwhelming. She's
14 been an emotional wreck. I mean, as you can see we go through
15 this.

16 She can go like this -- I can't get a regular job
17 because I can get a call from her school because she's all of
18 a sudden like this where the day before even an hour before
19 she's happy go lucky. She has hardly any friends because they
20 don't believe her, that anything happened to her. And she
21 doesn't want to give anybody too much information because it's
22 something that she's not proud of.

23 But I am proud of her because she has overcome a lot
24 of this. Just to let you know, she's overcome like she had
25 said in her statement that there was a girl at school that

April 22, 2019

31

1 wanted to go meet a person. She actually convinced her not
2 to. I am so proud of her for that. She spoke up instead of
3 just letting it go. And if she didn't, I mean that's the one
4 good thing that has come out of this.

5 The other good thing is she has a project that she's
6 in school that she's going to actually give a presentation
7 about idiots and creeps that are out there that like to hurt
8 young ladies. She was 9, 10 years old when this started. And
9 I didn't know about it. I thought everything was fine.

10 She said she had a friend on there. She showed me --
11 she actually showed me a picture of somebody and it wasn't who
12 she thought it was.

13 THE COURT: Exactly.

14 PARENT OF MINOR VICTIM 5: And you know, I warned
15 her. I told her, you know, it's not real. And she goes, no,
16 he is. And all this stuff. I just learned after the last
17 case that her life was threatened, that my life, all our lives
18 were threatened.

19 My other daughter when she found out -- I have a
20 17 year old. She's 15 now. This started when she was 9.
21 She's 15. My 17 year old for two years was afraid to go out
22 of the house. They looked so much alike everyone thinks
23 they're twins. She was afraid and she wasn't even involved.
24 She's still kind of nervous going outside alone because she
25 don't know what's going to happen. And that shouldn't happen

April 22, 2019

32

1 to anybody.

2 THE COURT: No, it shouldn't.

3 PARENT OF MINOR VICTIM 5: We go through therapy.
4 Like she was saying, we go through -- we can go with a month
5 and be fine. We never leave more than a month because just as
6 a followup. And then we can go for months having to go every
7 week. This puts such a financial strain because we don't have
8 good insurance. And it costs a lot of money. And there's no
9 help for us.

10 When he goes to prison, he's going to get the help he
11 needs. We don't. We have to pay for her help, my help, and
12 his help and it's not right.

13 These girls, all of them that are speaking, those
14 that don't even know it and can't speak, they get a life
15 sentence. This guy needs a life sentence just like he's given
16 these girls and other children. It's not fair. It's not fair
17 that any child and anybody --

18 The other thing I'm concerned about that he gets out
19 in 20 years, our technology, how are you going to keep anybody
20 away from our technology that's improving and allowing more
21 and more creeps to be available and have more options? It's
22 not right. It needs to stop and they need to be shown. If
23 one person can be put away for life, maybe the next person
24 will think maybe it's not right. It's not worth it to lose my
25 life also.

1 And we need to start somewhere. And I think this
2 would be a good spot. Keep this people that want to hurt
3 girls, hurt kids, hurt children, 9 year olds that have no clue
4 of what life is, who can't have a life now because of how --
5 what him and others have done to her. It's not right. Thank
6 you for listening.

7 THE COURT: Well, thank you, very much. And I'm so
8 thankful that you're both here and that you do have a life.
9 So thank you, very much.

10 MS. RUSSO: Your Honor, Minor Victim 6 and her mom
11 are here today but they do not wish to make a statement. They
12 do wish for me to read a part of a statement that they
13 submitted.

14 THE COURT: Okay.

15 MS. RUSSO: And Minor Victim 6's mother writes the
16 following. Well, actually also Minor Victim 6 has given me a
17 statement to read. Minor Victim 6's mother writes:

18 She has become so withdrawn from all of us even
19 herself, she became suicidal more than once. She also started
20 cutting herself badly. She doesn't like crowds of any kind.
21 I could keep going on.

22 With the doctor's help, she and her service dog, she
23 is starting to recover. What these men, if you can call them
24 that, have done to these young girls is unimaginable. I'm
25 sure they don't care or they wouldn't have done this. They

1 are sick and disgusting and a few other choice words I have.

2 And then, Your Honor, Minor Victim 6's statement.

3 She writes:

4 First, I'd like you to know a small bit about me. I
5 like to hide a lot of things about me, be the jokester, make
6 everyone else around me happy. Some people see me as rude or
7 harsh, but that's kind of a part of my humor. Inside is kind
8 of a different story.

9 I'm a very paranoid person. I always think someone
10 or something is after me mentally or physically. I put a very
11 large guard up around people. I'm told I'm a good people
12 person but I'm actually very awkward and shy and it takes a
13 lot for me to assure myself that it's okay and many people
14 won't judge me as I think.

15 I'm afraid to go get a job. And I'm afraid to go out
16 in public alone. I'm afraid to step outside to let my dog out
17 at night. I'm afraid to do the wrong thing all the time. I'm
18 deathly afraid to let anyone in.

19 I used to not be. I used to be the kid that loved
20 people and I guess you can say I had a very bright future. I
21 got into this mess but at the time I didn't know it was a
22 mess. I was about 11 when it happened.

23 I was manipulated, exploited. I don't typically want
24 to go into very much detail on what exactly happened, but I'll
25 explain the bare minimum. I got online and there was this

April 22, 2019

35

1 website that allowed you to live stream. At first I was just
2 talking and playing around and then some guys started telling
3 me to do things. I'm sure you can imagine what they said to
4 do.

5 Then they wanted my Skype. Being the oblivious
6 11-year-old I was just like most at 11, I gave it to them.
7 They wanted private shows I guess you could say.

8 This one guy standed [sic] out to me though. He was
9 sweet at first. Then after I wouldn't give him what he
10 wanted, he got angry. He hacked into my phone, got my
11 address, my parent's info. I ran downstairs to my mother to
12 tell her what had happened and I thought I hung up. But as
13 I'm telling her, he text me, hello -- and I'm going to say
14 MV-6's mother. Her real name is in the statement -- which is
15 my mother's name.

16 Now let me remind you before all this I loved people.
17 Now I can't bring to explain how much this haunts me. I'm
18 afraid to go out in public in fear someone recognizes me from
19 that night. And I said he got my address. I don't know how
20 long he could have been watching me, following me. I don't
21 know if when I walk outside someone's going to take me.

22 I'm afraid to go far in life because if someone
23 recognizes me, it could derail my entire life. I don't use my
24 full name online anymore. So it's hard for people to find me.
25 I don't want to let anyone in to find out anything about me

April 22, 2019

36

1 because of it.

2 I despise this person for doing what they did. I'm
3 diagnosed with depression and anxiety. I got a service dog to
4 help me out with my anxiety. I went to therapy for years. I
5 stopped cutting around two years ago, which is still an urge I
6 have.

7 My grades aren't like what they were before. My
8 ambitions have changed. And some days I don't have any and it
9 all started with one night when I was 11 years old.

10 Minor Victim 6's mom also wanted me to pass on that
11 she knows that Mr. Berenson followed through on his blackmail
12 because not only did he have the images that he had on his
13 computer of their house and all that information, but he sent
14 a number of explicit images of her daughter to a family member
15 that lives in a different state and he told her before sending
16 them that he had found that family member that he knew that
17 family member's address and then sent these explicit images
18 out.

19 Thank you, your Honor.

20 THE COURT: Thank you.

21 MS. RUSSO: Your Honor, our next statement is from
22 Minor Victim 8 and she's here today.

23 THE COURT: Okay. Well, welcome.

24 MINOR VICTIM 8: Hi. Thank you for having me here.

25 Hi. My name is victim 8 and I'm 16 years old. I was involved

April 22, 2019

37

1 in some chat sites Biowell [phonetic], Connochat [phonetic],
2 Chatteen.Com. And I was 13 at the time. I went on these chat
3 sites because I was bored and I thought I was going to make
4 some new friends.

5 Some people told me that they were around my age and
6 then these people told me and asked me to flash them. And I
7 did. And then other people started doing it. And then I
8 start to feel unsafe and uncomfortable. Then I saw that they
9 were getting younger kids to do it.

10 And as I grew older I still showed and they got me to
11 do a lot like other things like masturbate. And then when I
12 grew older and older and realized I was being recorded and I
13 stopped all the bad stuff. I started [Inaudible]. I tried to
14 commit suicide.

15 So just came up and they asked me to show or do some
16 nasty stuff I would say no. They would get mad at me and
17 start asking others. Once I saw that they were putting my
18 pictures online, I stopped going online. I also changed how I
19 had my hair. I kept cutting my hair shorter. And I also went
20 back to eating healthier and then went on there before I quit
21 going on there.

22 This impacted my life so bad because I got taken
23 [sic] away from my family and friends. Also some of my
24 friends were not my friends because I was still forming. As I
25 grew older I don't want people to stop coming around me or I

1 don't want to have no job. I'm also shy and quiet when it
2 comes to, oh, why did you do it or why did you let them
3 control you, especially Quagmire.

4 Anything else I just stopped talking because I think
5 people are trying to say I'm stupid for going on there and
6 that I'm something else I'm not going to say.

7 When I was on the chat sites, people kept telling me
8 to not do it, not to do it. And I didn't listen to them
9 because they kept doing it so I did [Inaudible]. I want to go
10 back there and get everyone to stop doing all of this and that
11 it's not going to be a good thing that they are doing.

12 Also when Quagmire aka Michael Berenson told me that
13 if I didn't show him that he would block me on everything he
14 had and he would put all my pictures online for everyone to
15 see how a slut, a whore, a ho.

16 I told him that's not right to do, and he told me
17 when he first met me on Chatteen, Cannochat, Mylol [phonetic]
18 that he was 17/18. And then I found out he was in his 20's
19 and I freaked out. I found out these other people were around
20 their mid 20's to 50's.

21 To this day I regret going on these chat sites. No
22 matter how bored or alone, I wish I could went to my family
23 members but I have -- I had not gone on these chat sites. I
24 do these stupid things. I look at my scars. I never
25 [Inaudible]. I tried to commit suicide until I went to

1 Connochat and other chat sites.

2 I still feel uncomfortable when I meet some others
3 that I don't know. I think they are doing something that they
4 are not supposed to do. And they think that they can get
5 young girls to do stuff that they are not allowed to do. But
6 when I was on chat sites, they would call me lots of names
7 like slut, whore, cunt, fat ass bitch and a lot of other
8 things. I don't think it's right for them to do.

9 When other girls -- when other young kids go on those
10 chat sites I just want to tell everyone about those chat sites
11 and how and what others are doing and what not to do. And
12 that they not need to stop doing before they start doing it.

13 So about these people that are on the chat sites,
14 they are people that would act like a teen and they're
15 actually not older people. On there -- there were older
16 people that will try to get kids to do bad things. These
17 people are people that are doing these things to kids they are
18 way older than 20 years of age.

19 Now that I'm supposed to -- now that I stopped going
20 on these chat sites, I have been happier and safer than
21 before. I just want to tell everyone that I was mean to do
22 that. I am sorry for everything I have done. I know I have
23 said sorry so many times I mean it for real. I also have
24 another one.

25 Hi. My name is victim 8 and I'm here to testify

1 against Quagmire. Everyone that is with Quagmire. This is my
2 second time being here. I was here December 5th, 6th -- 4th,
3 5th, and 6th.

4 I was scared going up on the stand. I was shaking.
5 I was crying. I also -- these men feed on us young teens,
6 little kids. These men are monsters. When I first came here
7 I was MV-17. I'm 17 now and I still am scared to go anywhere
8 or meet up with my friends.

9 I don't know what I would do if I ran into any of
10 these people. I don't know -- I don't want to run into these
11 monsters that didn't get caught yet at the time. They found
12 another that was with Quagmire.

13 Also they said if I don't do what they want me to do,
14 that when I came home from anywhere I was, I would come home
15 to my family's blood all over the wall. And would say I told
16 you so. That's why I did all of this stupid stuff that I did,
17 because I don't want my family getting hurt because of me.

18 What I did, it was stupid. What I did was stupid. I
19 know it was. I lost some of my friends and family but then I
20 got them back though.

21 I'm glad to be here to say my part about these
22 monsters. These men think it's funny to do these awful things
23 to all of us. I have a loving -- I have loving family and
24 friends that support me when I go through a lot and when
25 you're with or without always be together.

April 22, 2019

41

1 The ones that went through all of this are doing what
2 they want to do before all this started and our lives got
3 messed up by these sick nasty monsters. Quagmire is the worst
4 of all of them. He said he was around my age and told me that
5 he would always love me.

6 At the end of this, I will say how I found these chat
7 sites but I think everyone for helping all of us for catching
8 these monsters. But I tried to kill myself because they
9 called me all sorts of names. And how I tried to kill myself,
10 I tried a lot of things. I used to cut myself in a lot of
11 different places. I still have scars.

12 I did all of this because they were pressuring me
13 into doing a lot of stuff that I didn't want to do. So I
14 tried killing myself by doing a lot to myself. I tried
15 choking myself with my head phone cords and I tried to cut my
16 throat. I -- well, I did tried to cut my throat, wrist, legs,
17 arms, ankles and I tried to OD on pills.

18 I have not been doing all of that -- all of this.
19 But I did try to but I didn't do it. It's hard for me to
20 stand in front of all of these people that are here and the
21 monsters. I pray everyday and night I'm going through so much
22 right now it's hard to do so. So when it's going to happen
23 next when I do get out of where I am -- I'm at not going to do
24 the same things I did when I was younger.

25 I have so much support right now and I'm back at

1 focusing on my work. I quit going to dangerous sites. And
2 always most -- that always monsters like these people tried to
3 warn me about Quagmire, aka Michael Berenson. But I didn't
4 listen. And a friend gave me his info. I should have turned
5 it into the cops and told them what happened and what's going
6 on and what these chats are doing and these young men are
7 doing.

8 They did it to young boys, young girls, infants. Any
9 age you can think of. And how stupid for thinking I thought
10 he was my boyfriend. But then I found out his real age. It's
11 like around 20's to mid 30's. When I found out all about him,
12 I flipped the heck out. So I started to cuss at him the hell
13 out over the chat sites. He hacked my laptop so I had to
14 reboot and I lost everything.

15 He told me if I didn't do it he would post all my
16 pictures online and to my family. He found my family's
17 address, found my dad's name and number, my mom's name and
18 number. Everybody that I had. He hacked into my laptop. I
19 was in the bathroom. I was going -- I'm using the bathroom,
20 playing a game on my laptop until I looked over and the green
21 light was on. I was trying to figure out why it was on.

22 And then a little box popped up. Now if you don't do
23 this, I will post everything of you. And I'll come and find
24 you, kill you. So I had to reboot and I lost everything. I
25 lost everything. My best friend that I can't see no more. I

1 lost everything that was important. He thinks he's funny for
2 what he did and is doing.

3 I'm trying to face my fears about being right in
4 front of this -- these such creepy monster that will not stop
5 haunting me in my vision and dream. I feel like he's under my
6 bed. I don't want him seeing me cry because that means he has
7 trapped me, he has me. But he don't.

8 I can barely see because I don't wear my glasses
9 because I don't want to see him or think I saw him. I can see
10 how hard it is for me to -- hard for me and all of this on the
11 people that are seeing and hearing about what he did to these
12 young adults and kids.

13 Some kids kill themselves because of these monsters,
14 too. Because if I wasn't on there I wouldn't be doing all of
15 this. I know what's right from wrong. I should not have went
16 on there.

17 It's hard for me to stand right in front of Michael
18 what he thinks it's all funny and games, that he won't get
19 life. He said he won't get caught by the police or the FBI.
20 But other kids tried to tell me that it was not right for me
21 to be on that chat site and I didn't listen.

22 He kept telling me to cut and that I was faking
23 everything I was doing. It's hard for me to be standing here
24 in front of everyone. I had my friend with me, MV-7 -- well,
25 5. And I'm here with everyone here to get him put to life.

1 He did some messed up stuff that he did. He left when I cut
2 -- he left when I cut my throat. He left when I broke my
3 wrist. He laughed that I did everything.

4 I try to not to stand up here and cry. But I'm
5 trying so hard next to. I have anxiety really bad after all
6 of this. I just don't want to come home to my family's blood
7 all over the wall. But I know nobody will let him do that.
8 Now that he's in state custody and that he's listening,
9 hearing, and seeing all of us and what he did to us.

10 I know people that want to do some stuff but they're
11 not. I want to say to him that in the first place he played
12 me like I was stupid. And a lot of --

13 THE COURT: Can I just tell you, you are not stupid.

14 MINOR VICTIM 8: Thank you. And I tried and tried
15 telling him that it's not right to do these to these kids,
16 young teens and even have little kids on cam run around, no
17 clothes on, playing with toys that are not supposed to. These
18 kids don't really know better until they get older and see the
19 future.

20 When I grow up I want to be something better but
21 that's probably going to affect my career. I want to do
22 cosmetology because I like everything my sister taught me how
23 to do stuff. But Quagmire said I won't be good enough to do
24 any of these.

25 THE COURT: He's very, very wrong.

1 MINOR VICTIM 8: I'm trying to be strong. I'm
2 strong. I'm beautiful. Everything that they say I'm not.
3 But everyone is here now, especially MV-5 is the bravest here
4 with all of these. I'm happy to have her as a friend. I
5 thank her for everything.

6 I cause everybody too much drama since I've been on
7 there because I was jealous that they got all of the
8 attention. And I thought it was okay to be on there because
9 they said they were around my age.

10 I lost some of my friends. I tried to cut myself. I
11 went in public doing stupid stuff. I got caught by the cops.
12 And they took me home, told me not to let me go out of the
13 house.

14 After what happened to me, I wanted to go after the
15 person. I found out Michael wasn't the only one that was
16 behind this. He has other teams that are put in jail, prison
17 for life or sentenced to how many years.

18 It's hard for me to talk to him face to face on cam
19 he said. I don't know what made me go to these sites, but I
20 was too bored. I didn't want to hang out with nobody. I just
21 wanted to be myself. I like being by myself because I feel
22 like I'm free.

23 Now that I lost most of my friends and family, they
24 turned on me, I'm taking care of myself and doing healthier
25 choices. Doing good in school. Getting education that I

1 need. Not flunking or failing.

2 My birthday is really soon, turning 18. Now that I
3 ain't got to focus on that instead of what Michael did,
4 everybody else did. He also and on cam and he showed what I
5 did. He took a picture of me and I didn't know about it when
6 I was sleeping on cam.

7 He was acting like someone else that I truly for sure
8 thought was safe until he text me on Skype and I somehow found
9 my phone number telling me that I'm this and that person. I
10 hope you know I can see you. That's when I start punching
11 things, self harming. I don't feel safe when I'm by myself
12 when I was on there. Every time I go outside someone that he
13 knew found me.

14 I went to go to the pond, feed the geese and the
15 animals. And then until I ran into somebody saying I thought
16 you would run into my arms. It was someone that I didn't
17 recognize. He said Quagmire sent me here to find you, see if
18 you're really real.

19 He took me by my hands, took me to the woods, did
20 stuff I didn't want to. After that, Quagmire texted me over
21 and over telling me now this is what you get. If you don't do
22 it anymore, your family, blood, every one of your family will
23 be chopped up in pieces, murdered, and that they will be left
24 just blood on the wall. Guts everywhere.

25 I'm just hoping for this to be all over and not to

1 see his face ever again in the real world. God will not like
2 what you did. I hope you understand what I'm saying, coming
3 from. I know what you think of me right now. But you said
4 you won't get caught. Well, you're out of luck. Sure got
5 caught. Thank you.

6 THE COURT: Well, thank you, very much. And I just
7 want to say a couple of things to you, which is that you are
8 not to blame. You are not stupid. I'm very glad you're here.
9 And I have a feeling that you'll do really well in
10 cosmetology.

11 MINOR VICTIM 8: Thank you.

12 THE COURT: There's a lot of opportunities. So I
13 hope you continue to pursue that or whatever else you get
14 interested in.

15 MINOR VICTIM 8: Thank you.

16 THE COURT: You're welcome.

17 MS. RUSSO: The next person that's going to speak is
18 Minor Victim 17 and 18's mom. Minor victim 18 is here. I
19 don't believe he's going to speak but he's going to come to
20 the podium.

21 THE COURT: Okay. That will be just fine. Welcome
22 to both of you.

23 PARENT OF MINOR VICTIMS 17 AND 18: This is all new
24 to me. I'm sorry. I just found out what going on. I didn't
25 know about yet about the children.

1 THE COURT: It's pretty overwhelming. You can take
2 your time. We started early. I apologize to everybody for
3 changing the time, but I wanted to make sure you had enough
4 time, that everybody had enough time to speak today. So take
5 your time.

6 PARENT OF MINOR VICTIMS 17 AND 18: Having the
7 authorities informing you that your children are victims of a
8 predator is a major shock. All the terrible chaos my family
9 went through now has a name. I have two children who were
10 victims of these predators.

11 My daughter MV-17 went from a very shy, easygoing
12 type of child to angry, defiant person. She became prey to
13 predators pretending to be her age. The person or persons
14 told her he loved her and was making plans to ruin her. By
15 the grace of God, I found out before anything happened.

16 The whole family stayed on alert. We tracked her
17 phone. She wasn't allowed to leave the house by herself. We
18 constantly watched her terrified that someone could come and
19 take her any time. Not knowing if this is true or not.

20 I'd check her bed at nighttime to make sure she was
21 in. Her brothers wouldn't go to bed, not until she went to
22 bed because they were worried about her. The fear of having
23 her kidnapped was just overwhelming as a parent.

24 THE COURT: I can't imagine.

25 PARENT OF MINOR VICTIMS 17 AND 18: We weren't

1 allowed to have freedom any longer. We tracked her phone.
2 She wasn't allowed to go anywhere by herself. Her life became
3 turned around when she met the young man she's married to now.
4 But even him we didn't trust. And he got mad at us and goes
5 why are you tracking her? We don't know you. Don't trust
6 you. Sorry. Can't trust you. And she's not here today
7 because she's pregnant and she's --

8 THE COURT: I read the materials. Congratulations.

9 PARENT OF MINOR VICTIMS 17 AND 18: Thank you. And
10 my son MV-18 went from outgoing, talkative, engaging,
11 inquisitive to inclusive, depressed, and angry. He almost
12 stopped eating altogether. Every meal became a battle to find
13 something he would eat.

14 I had to talk to him into eating. Even then it was
15 only a few bites. He lost so much weight I was concerned he
16 was anorexic. When I asked him why he refused to eat, he
17 would say, get mad and answer, they wouldn't let me eat.
18 They'll harm me if I eat. And asked many times who they were.
19 He became upset and never tell me. The only information I got
20 from him was they threatened him with death if he didn't obey.

21 We had MV-18 talk to a counselor from our church and
22 then he had to go stay with his grandparents out of state.
23 We're hoping that would -- the new environment would change
24 things. I never found out who they were, but now I know. I
25 still worry about him now and I fear that he'll not eat

1 causing stress.

2 THE COURT: He's lucky to have you here speaking and
3 helping along the way.

4 PARENT OF MINOR VICTIMS 17 AND 18: The guilt that I
5 missed something [Inaudible] my children. We kept in the
6 living room. The kids had [Inaudible]. They use an iPod to
7 reach them.

8 We followed all things we knew to do and still they
9 managed to get to our kids. The predators stole the joy, the
10 virtue, and self confidence of my children and destroyed many
11 other children. I don't know the answer to keeping our
12 children safe from such evil.

13 Knowing these men are going to prison and cannot hurt
14 another child gives me some peace. [Inaudible] get out and
15 get in touch with a computer. [Inaudible] technology that
16 we've got terrifies me that they get back out there and do
17 more harm to our kids or my grandchildren. Thank you for
18 listening.

19 THE COURT: Thank you, very much. Thank you, both.

20 MS. RUSSO: Your Honor, the next statement is minor
21 victim 21's mother. They could not be here today but they did
22 want me to read this statement.

23 THE COURT: Okay. And when you're reading, be sure
24 not to read too fast.

25 MS. RUSSO: Yes.

April 22, 2019

51

1 Your Honorable Judge, I am the parent of two teenage
2 daughters who were the victims of child pornography. This is
3 so difficult to write and I don't even know how to begin.

4 My daughters are very sensitive girls and my oldest
5 daughter has anxiety and ADHD and is the youngest in her
6 class. She was quite naive and innocent. She has always
7 wanted to be liked as all teen girls do.

8 Her anxiety is the worst at night when her medication
9 has worn off and she questions herself. She unfortunately
10 went searching for chatting and acceptance on social media
11 sites. She was vulnerable. She was made to believe the
12 people she was talking to were teens as well. And this
13 deception lasted for months.

14 They made her believe they were her friends. There
15 were other girls in the group as well so this impacted many
16 other girls. She began to trust these boys. She was
17 impressionable and again wanted to be liked.

18 Then my youngest daughter was brought into this as
19 well because she idolizes her older sister. She was even more
20 naive than her sister and trusted everyone. They took
21 advantage of my daughters.

22 After all of this, my oldest spent a long time crying
23 every night and it created more stress and depression. Her
24 amount of sleep declined.

25 We had to find a counselor who could help our family

April 22, 2019

52

1 work through this. We now see this counselor regularly. My
2 youngest has retreated and is more quiet now. She used to be
3 happy everyday and is now more pessimistic. She goes to
4 therapy sessions as well.

5 As their mom, I feel defeat, embarrassment, and
6 shame. I feel I failed my girls. But I also feel angry
7 because it is these men's fault for luring these girls in,
8 lying to them, making them do things that they would have
9 never thought of. I am crushed because my oldest will go to
10 college and I will worry more than normal.

11 What happened to my girls still haunts them and my
12 husband and I. I worry about what it has done to their
13 psyche. Will these pictures and videos show up again in life?
14 Will it affect them getting a job? Will it impact their
15 future relationships?

16 I worry about them everyday. There isn't a day that
17 I don't think about what this has done to them. And now I
18 have to be strong for them and work on trying to build their
19 confidence back up. I worry about trust issues with males.

20 I hope that these offenders not only spend a long
21 time in jail but also are required to get help. Who seeks out
22 young girls? I worry that when they complete their sentence,
23 that they will do it again. They have changed our lives
24 forever where we won't be the same.

25 Will they feel this for the rest of their lives? I

April 22, 2019

53

1 will worry that they will do this to other sweet innocent
2 girls. We need closure for our family so we can heal. I beg
3 you to give the maximum sentence possible to keep others safe.
4 And she writes respectfully the mother of Minor Victim 21.

5 THE COURT: Thank you, very much.

6 MS. RUSSO: Your Honor, the next person to speak is
7 the legal guardian of minor victim 23. I hope I said that
8 correctly.

9 THE COURT: Okay.

10 MS. RUSSO: Court-appointed guardian.

11 THE COURT: Welcome.

12 CONSERVATOR FOR MINOR VICTIM 23: May it please the
13 Court, Your Honor. I am here on behalf of victim number 23.
14 Actually rather than guardian, I am conservator for her.

15 THE COURT: Okay.

16 CONSERVATOR FOR MINOR VICTIM 23: As a result of the
17 deviant behavior perpetrated by this defendant and others, I
18 am serving in this capacity at this time. She was found to be
19 incompetent to make decisions on her own behalf. She is
20 presently hospitalized in my home state and has been so
21 hospitalized for 20 months.

22 The victims you've heard from all have experienced
23 the most horrific events that are unimaginable. I can't tell
24 you about what happened to my victim. As you have seen,
25 different folks have different roads to recovery. Some there

April 22, 2019

54

1 will be no recovery. I hope it will be recovery for all at
2 some point.

3 My client takes out her PTSD by simply being as
4 obnoxious as she can. She was hospitalized and she was
5 refusing any medication, any medical treatment. She was bed
6 ridden. What actually started this process for me was that
7 the hospital brought an action to a point of conservator in
8 the probate court in my home state called on me to serve in
9 this capacity.

10 THE COURT: Thank you for serving.

11 CONSERVATOR FOR MINOR VICTIM 23: And she actually
12 had bed sores that were becoming infected. And she refused
13 any treatment. She would not allow anyone to change her bed
14 linen. The psychiatrist attributed this to post traumatic
15 stress disorder.

16 At the time, nobody in the treatment team and not
17 myself had any idea of the source of that. The psychiatrist
18 simply said I know where it's coming from but I don't know the
19 facts surrounding it.

20 As I have heard today, much to my chagrin I wish I
21 had never known what the cause of it was. But now I
22 understand it far better.

23 THE COURT: And I hope you can convey it back to the
24 treatment team so perhaps they'll be able to help her.

25 CONSERVATOR FOR MINOR VICTIM 23: That is my

1 intentions. Your Honor, the result from this experience was
2 that she sought the relationship and got married. I have no
3 doubt that had she not had these experiences she probably
4 would have made a better choice in marriage.

5 Some three months after she was married, she was
6 traveling out west to Colorado to find a new home and start
7 over again to get away I think from all of this. In a
8 midwestern town she was involved in a very serious automobile
9 accident which left her as a paraplegic -- excuse me,
10 quadriplegic. She has limited use of her hands, but very
11 little. Her mind is still in tact.

12 She has no recollection of these events. I think
13 that she has buried it all and that is her method of dealing
14 with it is to not deal with it. She qualified for Medicaid
15 from my home state and was transferred back there in order to
16 get Medicaid. Because where she was hospitalized, the state
17 could not provide that for her.

18 So she came back to my home state. She came under
19 the care of the hospital in my hometown. And I became
20 involved in September of 2018 and have been working with her
21 since then.

22 In addition to the automobile accident, she found out
23 when she was in the hospital for her injuries she was three
24 weeks pregnant. She lost the child through adoption. She
25 went through the delivery, but was unable to care for her.

1 Her husband did not believe in the part of the marriage vows
2 that talks about for better or for worse and divorced her.
3 Her life is left in shambles.

4 When I hear the victims talk about victim 23, 1
5 through whatever, it's for the purpose of anonymity for these
6 victims.

7 THE COURT: Yes.

8 CONSERVATOR FOR MINOR VICTIM 23: But it also is kind
9 of desensitizing and I am so grateful that you were able to
10 hear and put a face with each and every one of these victims.

11 THE COURT: Me, too.

12 CONSERVATOR FOR MINOR VICTIM 23: Because it is --
13 those are the lives that have been impacted so devastatingly
14 as a result of this defendant's behavior.

15 When I think of this, the only analogy that I can
16 make is that this defendant was infectious. And he spread his
17 infection throughout all of these victims. And that infection
18 grew. It affected their families.

19 You heard the mothers, you'll hear from fathers, that
20 infection grew and grew. And unfortunately for Amanda it
21 became septic. And she lost her life as the direct result of
22 this reprehensible behavior.

23 Your Honor, in closing, we always end a pleading with
24 a prayer for relief.

25 THE COURT: We do.

April 22, 2019

57

1 CONSERVATOR FOR MINOR VICTIM 23: And I have a prayer
2 for relief that I offer to you. First, I would say to this
3 defendant, may God have mercy on your soul. My prayer to you
4 is that you will show no mercy but allow justice to prevail
5 and that he be sentenced to life in prison. Thank you, your
6 Honor.

7 THE COURT: Thank you, very much.

8 MS. RUSSO: Your Honor, just to give context a little
9 bit. Minor victim 23 is the victim that had a room with her
10 name and then cutting.

11 THE COURT: Yes.

12 MS. RUSSO: And this was the room where all the self
13 harm would happen. Mr. Berenson had videos with respect to
14 minor victim 23.

15 THE COURT: I read that. But thank you for bringing
16 that to my attention.

17 MS. RUSSO: Your Honor, I would like at this time to
18 call minor victim 24 and her mom.

19 MINOR VICTIM 24: Hi.

20 THE COURT: Welcome to the two of you. The family
21 resemblance is overwhelming. I just have to say that from
22 where I'm sitting.

23 MINOR VICTIM 24: Hi my name is Kate and I'm 22 years
24 old.

25 I remember the first time I saw Michael. I was 14

1 years old in my bedroom wearing a white T-shirt. The only
2 reason I remember what I was wearing is because he later had
3 me take it off. I was so worried that my parents might walk
4 in, so I locked the door and sat in front of the computer.

5 Michael and I were both on cam watching each other.
6 I remember feeling weird having a man so much older than me
7 watching me and flirting with me. It felt wrong and made me
8 feel dirty. But a part of me being an insecure 14-year-old
9 girl liked the attention. He kept asking me to get undressed
10 over and over again. I was too worried at first but after a
11 while I did take off my shirt.

12 I don't remember how long it was off or what else
13 happened that night. I honestly subconsciously blocked it all
14 out. I remember the next day though telling people he
15 recorded me or copped me as they liked to say the night
16 before. He was telling me he was going to show other
17 pedophiles and he thought it was funny. It was a big joke to
18 him.

19 He's one of the many pedophiles throughout the years
20 that have taken advantage of me being a child. I've seen him
21 brag about having a video of a 9-year-old masturbating with a
22 toothbrush. I've seen him asking pedophiles to trade child
23 porn with him. I've seen him threaten little girls to go on
24 web cam or he would contact their schools and family. I even
25 called and spoke to his mother.

April 22, 2019

59

1 THE COURT: Thank you for doing that.

2 MINOR VICTIM 24: And told her that he was
3 blackmailing little girls online. She hung up. I even called
4 back and left a long voicemail. That didn't matter though.
5 They didn't listen and he was online everyday victimizing
6 children.

7 I truly believe if his parents had listened to me
8 there might not be as many victims as there are today.

9 THE COURT: I do, too.

10 MINOR VICTIM 24: Michael didn't care that I was
11 barely 14. He didn't care that I was in middle school or that
12 had braces. At that time I still got excited about Disney
13 Channel. He didn't care that this could hurt me forever. He
14 had no remorse. He is evil.

15 I'll remember him for the rest of my life and what he
16 made me feel. I will remember his smile, or his face and
17 smile when he thought it was funny to make girls feel scared.
18 This feels like a dream come true knowing he is right where he
19 belongs. I hope he never hurts a little girl again.

20 I've come across a lot of pedophiles online and he is
21 truly one of the worst I've ever seen. These people
22 manipulated me so much, I truly believed Michael and the other
23 pedophiles were my friends. That's what they do and they
24 don't care.

25 I would sneak on to my laptop at night when my family

April 22, 2019

60

1 was asleep -- I'm shaking.

2 THE COURT: If you could slow down a little bit.
3 Because we want to get every word you're saying on the record.

4 MINOR VICTIM 24: Okay.

5 THE COURT: You're doing a beautiful job.

6 MINOR VICTIM 24: I would sneak on to my laptop at
7 night when my family was asleep and go to chat rooms and talk
8 to them on chatteen.com. Because in my head, we were all
9 friends and nothing was wrong.

10 It wasn't until I grew up and saw how damaging all of
11 it was. It has taken years of therapy trying to deal with all
12 of this. It has been years of night terrors. A 14-year-old
13 girl shouldn't have to deal with nightmares that she is being
14 kidnapped by pedophiles and raped.

15 I've had these people talk about how they're going to
16 come to my house, kill my family, and rape me. When my niece
17 was born, I remember thinking that I didn't want my dad around
18 her. My dad has never done anything wrong, but in my head I
19 thought all men were attracted to children in some way and to
20 this day still affects me. I felt scared when I saw her on
21 his lap.

22 I will forever be haunted by what Michael has done to
23 me and other girls. I guarantee you, Michael does not feel
24 remorse. None of them do. But I am strong. I have grown.
25 This may be my victim statement, but I am not a victim. I

April 22, 2019

61

1 made it through this and I am here.

2 These men tried to break me. I would cut myself and
3 think about suicide constantly for years and I still struggle
4 with that eight years later. But here I am standing in front
5 of someone that has once victimized me but he does no longer
6 scare me.

7 I am 22 years old and I will deal with this for the
8 rest of my life. But I'm doing something I never thought I
9 could do. I'm standing up to someone that hurt me.

10 Michael, you've stolen the innocence of many
11 children. We won't get that back. It's important that you
12 get the maximum sentence so you can never hurt a child again.
13 You are clearly a danger to society. You have changed our
14 lives forever. We will never get that innocence back no
15 matter how hard we try.

16 So guess what Michael, the little girls you're
17 attracted to don't stay little forever. We grow into strong
18 women that can stand up to you.

19 Your Honor, thank you for allowing me to speak today
20 and tell part of my story. This experience has been horrific
21 yet therapeutic. I'm asking you to please sentence Michael
22 for life and I hope this will help me and the other strong
23 girls today heal in some way. Thank you.

24 THE COURT: Thank you, very much. Maybe you can stay
25 and support your mother now. It helps to have someone with

April 22, 2019

62

1 you.

2 MOTHER OF MINOR VICTIM 24: My name is Dana. I'm a
3 proud mother of Peyton. I also now care for the large group
4 of wonderful people behind me. Parents that feel sadness,
5 guilt, as well as unconditional love and pride. Victims that
6 feel pain they will feel for the rest of their lives. All
7 because of Michael. Michael who I just watched squirm while
8 Peyton spoke and moments before that he smiled and nodded when
9 he was referred to as an infection.

10 THE COURT: I saw that.

11 MOTHER OF MINOR VICTIM 24: I'm glad you did.

12 When Peyton was 14 her interests were the Jonas
13 Brothers, trips to Disney World, Nickelodeon shows and begging
14 to wear a little bit more make up. Months after meeting
15 Michael online, her vocabulary consisted of doxing, capping,
16 proxy servers, IP addresses, and baiting.

17 They taught her all about their sick world. They
18 that I refer to is Michael and the sadistic group of organized
19 men known as the base for most of these websites.

20 Then the blackmail started. She was told that if she
21 did not do more, show more, they would stream videos,
22 physically hurt her and her family, and send pictures to her
23 family. They did indeed do all of that. He hacked her
24 webcam. They hacked her Facebook. Sent images to her
25 grandparents and other family and friends.

April 22, 2019

63

1 Posted images of her on other social media. Posted
2 our home address and the layout of our house and begged people
3 to break in and rape her. They threatened to post photos on
4 her grandfather's website where he is a proud deacon.
5 Basically anything to make her perform to fulfill their sick
6 fantasies.

7 These men all worked together. They sold and shared
8 videos. They shared each other's sick addictions. Then as a
9 last effort they threatened to report her to the police for
10 producing child pornography. And again, they followed through
11 with their threat.

12 The first time the local police showed up at our
13 house, I wasn't even surprised. She was 15. Our days
14 revolved around drama -- 14? She was 14. I remember it was
15 the summer. So she was 14 going on 15. By that point, our
16 days revolved around drama and fear. It was our new norm.

17 They saw the binder of evidence I had saved, the
18 countless calls to police and FBI. The e-mails to deplorable
19 websites that focused on and allowed pedophilia. The hundreds
20 of DMCA's I had submitted.

21 While they did feel some sympathy towards Peyton,
22 they left showing Peyton handcuffs saying they didn't want to
23 have to come back for her. A year later, Peyton warned me it
24 was going to happen again. Weeks later, two agents from the
25 Texas Attorney General's office came to see us. They were a

1 godsend.

2 They came ready to possibly prosecute her but were so
3 shocked by Payton's story, they've kept in contact for years.
4 We know when their children are born and what their names are.
5 They use her story when talking to high school students. They
6 had her listed on the national registry of missing and
7 exploited children to try to stop some of the hacking of her
8 social media sites in contacting --

9 THE COURT: You're doing a great job.

10 MOTHER OF MINOR VICTIM 24: Thank you. In contacting
11 other family members. A few months after there I had to admit
12 her into in patient care for depression and suicidal thoughts
13 for the first time.

14 A year later came homeland security. They had copies
15 of obviously faked chat room posts from her that had been
16 submitted to them as a blackmail threat. They made it look as
17 if she had done horrible things to her niece. In talking to
18 Peyton and looking at her computer, it took them less than
19 five minutes to confirm they were fake. They left and wished
20 her well.

21 And only two years ago Peyton called me at my office
22 panicked because FBI agents were outside her apartment door.
23 And I honestly thought this will never end. I was barely
24 holding on. And that was nothing compared to what Peyton was
25 feeling.

1 Her anxiety and depression had reached an all time
2 high. To the point that I found myself almost preparing for
3 the worst, for the unthinkable. But to our surprise and
4 relief, the visit from the FBI agents was an answer to our
5 prayers. They wanted info from Peyton. They saw her as a
6 victim. They asked her for names and locations, users,
7 aliases and details that she could provide. It was then that
8 I realized my scared little girl had grown into a strong
9 woman.

10 Less than a month later, we started receiving notices
11 of more convictions. The one we're addressing today Michael,
12 Quagmire, feels like the greatest victory thus far. He was
13 the ringleader. Michael rerouted my daughter's life. He
14 didn't ruin it. He isn't that powerful.

15 THE COURT: No.

16 MOTHER OF MINOR VICTIM 24: But he did reroute it.
17 He changed the projection. He did not have that right. As
18 parents, we all know how to manipulate a bit. We call it
19 reverse psychology, but we can manipulate a child to see a
20 situation or do a chore by how we ask, by how we approach so
21 that they can make that decision themselves. That is healthy.

22 Michael used those same tactics as an adult to a
23 child for pure harm, meanness, and evil. They were children.
24 That's the point of all this. Whether looking at it from a
25 sick sexual viewpoint or from the terroristic threats and

April 22, 2019

66

1 blackmail. They were children. Michael, you're an adult.

2 Peyton has learned from every detour that Michael and
3 the likes of him have thrown her way. Her strength is truly
4 an inspiration to me.

5 THE COURT: And to me as well.

6 MOTHER OF MINOR VICTIM 24: Her boyfriend, a
7 wonderful man she's been dating for three years, once told
8 her, Peyton, every day you battle yourself and every day you
9 win. So Michael, you sick fool, all you did was helped create
10 a warrior.

11 Your Honor, I hope you sentence Michael to life in
12 prison. Show others the possibility of the consequences of
13 their actions. Please make a difference for all those he has
14 hurt, all he has damaged, for Amanda and for others that
15 couldn't be here today and for all those behind me that have
16 shown their strength by being here today to face him.

17 I want to thank you for allowing me to speak. Thank
18 you to the agents who didn't give up. And to the judges like
19 yourself who take strong actions to say this isn't right and
20 this will stop. Thank you.

21 THE COURT: Thank you, very much.

22 MR. THOMAS: Your Honor, may I approach?

23 THE COURT: Certainly. Off the record?

24 MR. THOMAS: Thanks, Judge.

25 MS. RUSSO: Your Honor, the father of MV-25 is the

April 22, 2019

67

1 next person to speak.

2 THE COURT: Okay.

3 MS. RUSSO: And we have one speaker after.

4 THE COURT: All right. Thank you. Welcome.

5 MOTHER OF MINOR VICTIM 25: Thank you.

6 Your Honor, our daughter is like many of the people
7 we've heard from today. The victim of an awful, awful child
8 pornography ring. Our daughter was 10 years old when these
9 crimes were committed. And like the previous victim, we
10 didn't know anything about this until just the FBI contacted
11 us and explained what had happened about two years ago.

12 Until that point in time, we were a very, very normal
13 family living happy and contented lives. Excuse me. We had
14 no idea what our daughter had been exposed to or the secrets
15 that she'd been living with.

16 To say the least, finding out that our daughter was a
17 victim of a child pornography crime was a terrible shock to my
18 wife and to me and has caused heartache and stress to our
19 lives and our relationships.

20 As we've heard from everybody else today, we are very
21 concerned about our daughter's mental health. We question her
22 development and journey to adulthood through a very different
23 lens today. We worry that her exposure and her involvement in
24 this child pornography ring will impact and ruin her chances
25 of normal sexual development.

1 Our daughter has weekly counseling with a therapist.
2 She has elevated anxiety levels. And her therapist recently
3 suggested she may require a psychiatric evaluation. And
4 hearing what I've heard today, I really do understand a lot
5 more than I did before I came here today.

6 THE COURT: Well, thankfully you were able to be
7 here.

8 MOTHER OF MINOR VICTIM 25: As worried parents, one
9 of my reactions to this crime is to place much, much tougher
10 restrictions on her access to the internet. And the usage of
11 her devices than any of her friends.

12 As I'm sure that any parent of a teenager
13 understands, this causes arguments and this causes stress,
14 which is all part of what used to be our very normal family.
15 But when we have these arguments, we have to relive the base
16 cause of those arguments, which is her involvement in this
17 awful child pornography crime. And we are reminded of what
18 happened each and every time we have one of those arguments.

19 Further, we cannot bring ourselves to share what has
20 happened with anyone in our extended family and very close
21 family. It's just a dark secret that's not spoken about other
22 than between the three of us. This just isn't right. It
23 doesn't feel right, Your Honor.

24 THE COURT: I can understand that.

25 MOTHER OF MINOR VICTIM 25: And our family shouldn't

April 22, 2019

69

1 have to deal with this. It's not our fault. It's not my
2 daughter's fault. It's no one's fault other than the
3 defendant.

4 I trust you're going to take all of this into account
5 when you're sentencing this criminal. He has exposed his sick
6 perversions in front of very, very innocent children. And
7 he's caused irreparable harm to our daughter, to my wife, and
8 to me. And I hope that he receives the appropriate sentence.

9 THE COURT: Thank you, very much.

10 MS. RUSSO: Your Honor, I'd just call the mother of
11 MV-27.

12 THE COURT: Okay. Welcome. And thank you for your
13 patience.

14 MOTHER OF MINOR VICTIM 27: Thank you. Thank you for
15 having me in this courtroom. And before I start, I have to
16 thank the girls and their families for remembering my
17 daughter. I have words written and I'm hoping that I can get
18 through them. In one piece or many pieces.

19 THE COURT: That's okay. We have plenty of time.

20 MOTHER OF MINOR VICTIM 27: Amanda said, quote, I
21 hope one day I can write a song about bullying and others so
22 when kids are alone staring out the window crying they can
23 play my song and know that it's not their fault and things
24 will get better.

25 My name is Carol Todd and I live in Port Cuevo, a

April 22, 2019

70

1 city close to Vancouver, BC in Canada. Since being asked to
2 appear before this Court, I have emotionally struggled with
3 finding the right words to say for today.

4 My daughter's name is Amanda Todd. She was born on
5 November 27, 1996, and died by suicide on October the 10th of
6 2012 at the age of 15. In a better world I shouldn't be
7 standing here before you in a courtroom in the State of
8 Michigan talking about my daughter.

9 My daughter died by suicide due to the atrocities of
10 the behaviors of others. And for that reason I am here to be
11 her voice and also speak mine.

12 It was Amanda's wish to make a difference for other
13 children, to tell her story so that others might come forward
14 with the courage to tell theirs. And that's what we have
15 witnessed today, many have.

16 THE COURT: We have.

17 MOTHER OF MINOR VICTIM 27: I lost my daughter too
18 early unnecessarily as a result of crimes related to
19 exploitation which then led to bullying and cyber bullying
20 amongst her peers and from others on the internet. Some that
21 she had never met or known in real life.

22 I, as her parent, have been left to deal with the
23 pain of losing a child and wondering what might have been. I,
24 as a parent, have had to deal with ongoing therapy, have dealt
25 with the guilt, and have dealt with the thoughts of what if.

April 22, 2019

71

1 Each day there are daily reminders of what I have missed
2 without Amanda. She is forever 15 in our hearts. And when I
3 see young teens out and about in my community, it reminds me
4 of the vibrancy of my daughter.

5 When I hear about her friends having boyfriends,
6 going to college, getting engaged, I become sad and think
7 about what could have been. In a better world I should have
8 my daughter by my side to hug, to laugh with, and to talk to.
9 But sadly, that will never happen again.

10 There are so many things I miss about Amanda. I wish
11 that I could hold her one more time. I wish I could have one
12 more conversation with her. I wish that I wish that I could
13 even have an argument with her because then she would there
14 with me.

15 I would tell her she was wonderful, that she was
16 special, that she could do anything that she put her mind to.
17 But we know that won't happen. I live with the constant
18 memories of good and bad, the pain of remembering has no
19 words. I live with the ongoing thoughts of what if, what
20 about, and what could I have done differently.

21 Amanda was a typical teenager who wanted a typical
22 teenage life. She loved shopping, music, had a dream of
23 performing on stage singing just like Justin Bieber. And when
24 she was older. Instead she found the deep dark secrets and
25 the fears that happen on the internet.

April 22, 2019

72

1 Too young to know better and too young to deal with
2 it on her own. Amanda was someone who wanted others to just
3 be nice to one another. She found it hard to understand why
4 people couldn't make up after an argument and get along. And
5 after being subjected to the many negative and horrific
6 events, Amanda gave up her activities and also her trust for
7 others.

8 Raising children in this digital age is challenging
9 and can have devastating consequences as we know now. Amanda
10 trusted too easily and wanted everyone to like her.

11 She was an active energetic and creative person. She
12 had an unexplainable curiosity and a passion in life to help
13 others. She loved animals, cheerleading, and mostly she loved
14 to sing. And it was her love of singing combined with the
15 internet that brought her to the dark corners of the online
16 world.

17 It brought her to those who took advantage of her
18 naivety, her innocence, and destroyed her self confidence, her
19 relationships, and ultimately her desire to live.

20 I am both sad and angry at the circumstances that
21 have brought me here today, sad at all that I have lost and
22 angry because I know that her suffering and her death were
23 unnecessary.

24 Cyber bullying and exploitation are crimes that need
25 to be stopped. We can't forget the wrongful and negative

April 22, 2019

73

1 behavior of those who have used the internet to prey on young
2 children. Leaving behind wounds, scars, and memories etched
3 into the minds of those who have been victimized along with
4 their families to pick up the pieces of healing. I know all
5 too well that these memories have rough edges. They will
6 never be forgotten, but the edges will be less sharp over
7 time. I promise that.

8 I know that Amanda never stopped hurting as evident
9 in how she created the video she posted on YouTube.

10 THE COURT: It was a beautiful video.

11 MOTHER OF MINOR VICTIM 27: Five weeks before her
12 death.

13 THE COURT: Yeah. It said so much.

14 MOTHER OF MINOR VICTIM 27: That video has been
15 viewed around the world 54 million times. 54 million people
16 know Amanda's story and will hopefully be out there creating a
17 voice to stop exploitation out there in this world.

18 THE COURT: I hope so.

19 MOTHER OF MINOR VICTIM 27: Amanda will never realize
20 her goals of helping others, that she won't sing again, that
21 she will never get -- she never got to have her 16th birthday,
22 never got her chance to get her driver's license, her first
23 job, graduate from high school, go to college, have
24 boyfriends, have a marriage, have children. I will never
25 become a grandparent to Amanda's babies.

April 22, 2019

74

1 Because of the crimes committed it is important that
2 we address what needs to be stopped. As a vulnerable young
3 person, this made Amanda more of a target. Amanda felt alone,
4 rejected by her peers. Online friends fill that gap, but
5 ultimately took advantage of her. Abusing her rights as a
6 child and taking away the innocence of living as a young
7 person.

8 As a mother who has lost a child by suicide, the
9 emotional toll and psychological impact it has had on myself
10 and my family has been profound. No parent should ever have
11 to talk about losing a child due to the perils of online
12 behaviors and the effects of negative abuse of others both on
13 and offline.

14 On the morning of October 10, 2012, I got up to get
15 ready for work. Before leaving, I kissed Amanda goodbye and
16 told her I would see her later. As I headed to work, I would
17 never expect that that would be the last time I would ever see
18 my precious baby girl alive again.

19 If I could figure a way to turn back time to change
20 the past, I would. But I can't. I have to live with the
21 horrific truth that my daughter is no longer in this physical
22 world. That she endured actions that no one ever should.
23 That she felt pain that no one ever should.

24 Restorative justice is commonly defined as an
25 approach to justice that focuses on addressing the harm caused

April 22, 2019

75

1 by crime while holding the offender responsible for his or her
2 actions. By providing an opportunity for the parties directly
3 affected by crime, victims, offenders, and communities to
4 identify and address there needs in the after math of a crime.

5 I strongly feel that the defendant sitting here
6 should get the most extensive sentence possible for the crimes
7 he has committed. It is my hope that the time spent in
8 incarceration, he would be able to find the means to realize
9 and understand how his actions have impacted and damaged the
10 lives of many.

11 It is my hope that he is able to take responsibility
12 of ownership for his actions and be able to learn about making
13 positive choices in the years moving forward. However many
14 that may be. It is my hope that he can learn to express what
15 he needs towards making him a better person than what he has
16 demonstrated in the past.

17 Amanda left this world way too soon. A death I once
18 again say was preventable. As her mother, I am her voice
19 speaking out for the injustices for all those who have
20 suffered like her so that no others can be hurt or victimized
21 again.

22 As parents, we always expect our children to outlive
23 us. Losing a loved one is inconceivable and indescribable.
24 And when it is your own child, the pain is impactfully worse.
25 The loss of Amanda has affected so many. Myself, her family,

April 22, 2019

76

1 her true to life friends, and people across the world. Her
2 life and then her death has forever changed me as a mother and
3 as a person.

4 I have spent six years and six months of pain, grief,
5 and learning to copy with Amanda's death. Since that time, I
6 have been subjective to not only the grief of losing my
7 daughter, but also the negative trolling behaviors of others
8 blaming me for the death of my daughter as a mother.

9 THE COURT: Oh, I'm so sorry.

10 MOTHER OF MINOR VICTIM 27: These are not people that
11 I know. These people are online and hiding behind a screen
12 also. I like Amanda have learned that there are no
13 limitations for these keyboard warriors, these online attacks
14 have taught me how Amanda and others must have felt being
15 victimized.

16 Our children are the most important resources for the
17 future. We must learn how to keep them safer from those that
18 can impact their lives negatively. There are far too many
19 children just like Amanda who have been hurt emotionally and
20 physically from the senseless actions of those hiding behind
21 their screens. And as adults we are responsible for helping
22 make the life -- a safer world.

23 THE COURT: We are. Thank you.

24 MOTHER OF MINOR VICTIM 27: I know that from
25 somewhere Amanda's looking down upon us and hoping for

1 justice. It is important that those that are guilty of online
2 abuse and exploitation, similar to what Amanda has endured,
3 are held 100 percent responsible.

4 Remembering these words, it was Amanda's wish to make
5 a difference for other children, to tell her story so others
6 might come forward with the courage to tell theirs. I commend
7 the bravery for all these young people and their parents
8 today. It takes courage to share. And Amanda didn't have the
9 chance to share her story in person.

10 To hear and meet these families have helped in my
11 ever going everlasting eternal healing process. But still it
12 hurts. I am so glad that these young girls are alive and with
13 their families.

14 THE COURT: I am, too.

15 MOTHER OF MINOR VICTIM 27: And unfortunately I am
16 not in a situation that I can say that I have my daughter with
17 me. If Amanda only knew that she was never alone in her
18 story. And today sharing in this courtroom has shown this to
19 me.

20 I hope that each family will continue -- will begin
21 and continue on with their individual healing journeys with
22 the outcome today in this court. Thank you for taking the
23 time to listen to my words.

24 THE COURT: Well, thank you, very much. And I'm just
25 so, so sorry. But I'm very thankful that you could be here on

1 || behalf of yourself and your daughter.

2 || MOTHER OF MINOR VICTIM 27: It was important.

3 THE COURT: Yeah. Thank you.

4 MOTHER OF MINOR VICTIM 27: Thank you.

5 MS. RUSSO: Your Honor, that concludes the victim
6 impact statements in this case.

7 THE COURT: Okay. Well, then, I have a few remarks
8 I'd like to make and then I'll call upon -- we're going to
9 take a ten minute break and then we'll reconvene at 4:20.

10 THE CASE MANAGER: All rise.

11 (Brief Recess)

12 THE CASE MANAGER: Court is now back in session.

13 THE COURT: Well, before I turn to the government to
14 address the Court on is sentence you're seeking as well as Mr.
15 Thomas and Mr. Berenson, I'd like to say something to those of
16 you who have just spoken as well as those of you, including
17 Amanda, who are not here. Some of whom might later read the
18 transcript or hear from the prosecutors or others about what
19 has gone on here today.

20 First, I want you to know that I'm very familiar with
21 this case. I had the challenging experience of presiding over
22 a jury trial of one of the 27 members of this conspiracy.
23 Over the course of two weeks of that trial along with the jury
24 I was exposed to many hours of the images these men created.

25 The government after all had to prove beyond a

April 22, 2019

79

1 reasonable doubt that the conduct had actually taken place.
2 And there was simply no other way to do that than to portray
3 the images to me, to my staff, and to the jury.

4 It was a painful process. It was a horrible process
5 I can assure you. But it was a necessary one. That
6 particular defendant had a legal right to maintain his
7 innocence and put the government to their proofs. He was
8 convicted on all counts and the jury did not deliberate long
9 to arrive at that conclusion.

10 Over the course of presiding over that trial and the
11 sentencing of many of the other defendants connected with this
12 criminal enterprise, I met many of the victims in addition to
13 those of you who are here today.

14 I heard the testimony at trial of the girls and their
15 parents. The pain that I saw and felt was beyond anything
16 that I had previously been exposed to and I'm now 60 years
17 old.

18 And I want to say something about this word victim
19 for just a moment. And I know that we need to use this minor
20 victim 1 and 2 and so on. But in my mind, those of you who
21 were exploited, your siblings, your parents, and your close
22 community are all victims in a certain way of these horrible
23 and unbelievable crimes.

24 When one person in a family is suffering, the others
25 suffer, too, though in a different way. It's my hope that you

April 22, 2019

80

1 will not be victims anymore. But I want to tell you that I
2 have listened to everything you've said here today. I have
3 read all of the materials from both sides, including the
4 letters from children, parents, therapists, and others.

5 Each of you who are here today or are reading this
6 transcript have, in my view, unbelievable and enormous courage
7 and strength to come forward and explain to me the impact this
8 crime has had on each of you.

9 I can see and I can hear in you the resolve you have
10 to heal from these crimes. And to come out of this experience
11 stronger and more ready to take on the world. You are each
12 amazing people to have traveled here to Michigan and to tell
13 your story out loud as painful as it is.

14 It is my hope that in the telling of your story, you
15 can leave as much of it here with me as you possibly can. So
16 that when you return home, you can tap into the depth of your
17 strength and find joy, happiness, good humor, and kindness to
18 carry you forward.

19 I promise everyone that there are very good people in
20 this world. So, so many more than at this moment you can
21 probably imagine. And we are all rooting for you.

22 You will have an opportunity in your life to work,
23 play, to go to school, to love, and be loved by those who wish
24 you well and who support you as the individuals you are. You
25 will persevere and you will be celebrated for that. You are

April 22, 2019

81

1 respected here.

2 It is my deepest hope that at the conclusion of this
3 sentencing hearing, now the last in this case as I understand
4 it, each victim and each survivor and each one of these
5 beautiful people who are here will know that this Court has
6 respect and awe for the strength and resilience that you have
7 shown.

8 We each have a part to play in the criminal justice
9 system and you have now done your part even if you did not
10 speak out loud and even if you're not here today. We each
11 have different ways of taking care of ourselves. I respect
12 and honor and understand that. But please know that this
13 Court and this judge will not forget you and will not forget
14 what was done to you. And that I will be counting on you to
15 take good care of yourselves and your families and friends so
16 that you can continue to heal.

17 And I heard the word shame a number of times. And
18 there is only one, maybe two people in this room who should
19 feel shame. And none of you are among those people. None of
20 you. I promise. And I heard the word guilt. And there's
21 only one person who's been found guilty here and he's sitting
22 with the orange jumpsuit. So I wanted to assure you of that
23 as well.

24 So I'd like to now call on the government to address
25 the Court on the sentence you're seeking. And just so that

April 22, 2019

82

1 all of you know, because I presided over this trial, I have a
2 great deal of knowledge about the case in general. And I have
3 learned a great deal more about Mr. Berenson. So if Ms. Russo
4 limits her remarks a little bit, that would be okay.

5 MS. RUSSO: Yes, Your Honor. Understood.

6 Your Honor, for Michael Berenson, exploiting children
7 was like a chess game. Only he was the one that had all the
8 people and engineered all the moves. He literally treated
9 these girls like he was their puppet master. He called
10 himself matter in some of the chats with them.

11 And for some of these girls, Your Honor, he convinced
12 them that he was their boyfriend and he got them to engage in
13 sexual activity on web camera and then used that to control
14 every single move they made. It was essentially almost like
15 kidnapping but through the internet, Your Honor.

16 And so like every other Website A offender that you
17 have sentenced, Your Honor, this was about power and control.
18 But it's just that Berenson took it further. And he
19 dehumanized these girls. He asked them to self harm. He
20 captured the self harm without the sexual activity but just --

21 THE COURT: Slow down.

22 MS. RUSSO: -- for his own benefit, Your Honor. And
23 he's different in one other very important way, which is that
24 he is extremely intelligent, Your Honor, and technologically
25 sophisticated.

1 And he used that intellect here, Your Honor, to do
2 something that I've not seen any offender be capable of up
3 until this point, which is getting other people's hard drives,
4 changing their account recovery options, changing their
5 passwords, and stealing other offender's child pornography, as
6 well as taking over hard drives of some of the minor victims
7 and shutting down their computers or taking items from their
8 computers.

9 Taking over their web cameras. We've seen that from
10 one or two other offenders prior to this, Your Honor. But
11 still, it's a rare skill. So those two things, Your Honor,
12 make this defendant extremely dangerous and that is why the
13 government is asking for a life sentence in this case.

14 But I want to talk about the defense arguments. I
15 want to talk about autism specifically, Your Honor. Autism
16 does not equal psychopathy. And what we have here is a
17 separate disorder that I think autism is being used as a
18 blanket excuse to cover up for the fact that someone could
19 have more than one disorder.

20 Just because you have autism doesn't mean you have to
21 be cruel and exploit children. And in fact, most people with
22 autism contribute positively to society especially, Your
23 Honor, when someone has high functioning autism like Mr.
24 Berenson.

25 Those unique gifts that come from that high

1 functioning autism are -- they end up being -- there's an FBI
2 agent I work closely with that has autism that's on the
3 spectrum and who's used those gifts to help society instead of
4 hurt it.

5 And Dr. Sugrue in one of the articles that defendant
6 cites on page 117 talks about the difference between high
7 functioning autism and other forms of autism. And when you
8 look at that, Your Honor, there can be no doubt that Mr.
9 Berenson falls into the category of high functioning autism.

10 Because of his technological sophistication, because
11 of the 36 character encryption password, because of the fact
12 that he was able to amass such a large collection of Bitcoin
13 even, Your Honor. And frankly just as a sidenote, I would
14 like to know where that Bitcoin is now. Because if he still
15 has 500 Bitcoin, that is worth \$2,500,000 and that is a source
16 of restitution that the government would like to know if it
17 still exists.

18 But even at the lowest end of Bitcoin that the
19 defendant has had, it would have been worth \$250,000. So this
20 is not a small amount of money that he amassed. In any event
21 --

22 THE COURT: And did he amass that money in this
23 enterprise or through something else?

24 MS. RUSSO: Through something else, Your Honor.

25 THE COURT: Okay.

1 MS. RUSSO: Autism cannot be used to excuse any and
2 all behavior. And the defense said that Mr. Berenson should
3 not be punished because he was born with autism and his lack
4 of empathy is due to his autism.

5 However, Your Honor, at the same time there are two
6 articles that defense cites which talk about how very
7 frequently when evaluators look at autism and they look at an
8 offender who's been charged who has autism, they forget to
9 look for other disorders as well. Like antisocial personality
10 disorder and psychopathy.

11 And those are the articles that the defense cites.
12 Their Exhibit Number 9, Your Honor. It also talks in Exhibit
13 Number 9 about dehumanization and how that repetitive
14 dehumanization can result in it talks about different types of
15 serial killers and serial rapists who have psychopathy, Your
16 Honor. And that mutually -- that autism and that disorder are
17 not mutually exclusive.

18 The then the other exhibit that it talks about is
19 James Blair article and he discusses psychopathy there, Your
20 Honor. And this defendant meets the qualifications that Blair
21 talks about. He says it is a disorder characterized by
22 pronounced emotional deficits marked by a reduction in guilt
23 and empathy and involved increased risk of displaying
24 antisocial behavior.

25 So with that said, Your Honor, a couple of other

1 points I want to make the defense argues is they say that Mr.
2 Berenson did not appreciate the wrongfulness of his conduct.
3 But that is not true. Mr. Berenson in fact during interviews
4 with law enforcement specifically shied away talking about the
5 blackmail because he knew that the blackmail was seen as a
6 different layer of evil, Your Honor.

7 He specifically shied away from talking about Amanda
8 Todd because he knew that his involvement with Amanda Todd
9 would likely get him into trouble. When he found out that we
10 were going to be analyzing his devices, he admitted that he
11 had the image that was used to blackmail her because he knew
12 that we were going to find it and we would have questions
13 about it.

14 Mr. Berenson is very aware of what it is that he's
15 done and the different layers of wrong that it involves. He
16 also, Your Honor, told Seattle police that he was not involved
17 in child pornography when they went to the house because he
18 knew that if he told them the truth that they might look at
19 his computer and they might find what was on it.

20 He then, Your Honor, after Seattle police visited his
21 house, put the 36 character double layer encryption on his
22 devices. So with all of those things said, there's no doubt
23 that Mr. Berenson knew what he was doing was wrong and didn't
24 want to be caught.

25 But even if he didn't know it was wrong, Your Honor,

1 even assuming that, the harm that he has caused and the danger
2 that represents Mr. Berenson is something that the Court
3 cannot ignore. And regardless of whether he knew what he was
4 doing or was wrong, he has shown that he will continue to do
5 it even knowing that law enforcement is looking for him and
6 that the only thing that stopped him in this case was his
7 arrest. And he would still be on Website A today, Your Honor,
8 had he not been arrested.

9 So the next thing I want to discuss is Dr. Parker's
10 evaluation. And in doing so, I'm going to talk about the fact
11 he did not evaluate Mr. Berenson for psychopathy or for any
12 other disorders, Your Honor. But some of the information that
13 he provides about Mr. Berenson is helpful when we're looking
14 at the antisocial behavior traits that are so important when
15 we're talking about psychopathy.

16 So what Dr. Parker tells us and he basis this
17 evaluation on his conversations with Mr. Berenson's mother as
18 well as a three-hour interview with Mr. Berenson, Your Honor.

19 THE COURT: And I will note about the Bitcoin, Mr.
20 Berenson's mother says in the interview with Dr. Parker that
21 he no longer has the 500 dollars or 500 Bitcoin.

22 MS. RUSSO: Okay, Your Honor. So the antisocial risk
23 that scientists -- I'm sorry, forensic evaluators look at
24 antisocial behavior risks and they look --

25 THE COURT: Slow down a little bit.

1 MS. RUSSO: They look for a certain number of
2 factors, Your Honor. They look for, one, compulsive behavior.
3 They look for, two, impulsivity. They look for, three, early
4 behavior problems. Four, conning manipulative behavior.
5 Five, pathological lying. Six, lack of emotional depth.
6 Seven, callousness. Eight, lack of empathy. And nine,
7 failure to accept responsibility.

8 Your Honor has likely heard about these factors
9 before in other sentencings because they're considered the
10 best predictor of future hands on offenses and future
11 recidivism.

12 Here, Dr. Parker did not evaluate Mr. Berenson for
13 those factors. But some of his findings are helpful. During
14 his interview with Mr. Berenson, Mr. Berenson admitted that he
15 is sexually attracted to 11 to 15 years old and that he
16 masturbates multiple times a day to the videos that he has
17 created of those girls.

18 He admitted that he had a history in elementary and
19 middle school of getting into fights. That he got detention
20 in high school for programming a school computer with a 500
21 page printing joke. He admitted that he doesn't have interest
22 in peers. Dr. Parker found him to be impulsive and to have
23 compulsive behavior.

24 He also, according to Dr. Parker, had exhibited a
25 flat affect at times. And then Your Honor the defense

1 memorandum talks about Berenson's lack of empathy and lack of
2 remorse. All of these go to his antisocial behavior disorder,
3 Your Honor. But Your Honor also has the chats, the exhibits,
4 all of those things.

5 So because of this, Your Honor, I think what Dr.
6 Parker's interview coupled with all the other evidence shows
7 is that this defendant has more than just an autism disorder.
8 And I will point out two other things.

9 The articles the defense cites definitively establish
10 that people who are autistic are no more likely to commit
11 violent crimes than others and, in fact, are less likely to do
12 so. And there are two articles specifically that I have
13 pulled that the defense cited that say as much, Your Honor.

14 Does Your Honor want those?

15 THE COURT: I don't need them, but I appreciate that
16 you have them.

17 MS. RUSSO: And so the last factor I want to talk
18 about, Your Honor, and then I'm going to close, is about
19 protection of the public. And for this factor, Your Honor, I
20 want to mention I've given Your Honor a few different possible
21 designations for Mr. Berenson.

22 And I do not believe protection in prison is a
23 factor, but it is something that I certainly want. I want him
24 to be safe while he is in prison. And I have tried to do some
25 research to assist the Court in finding a place where he could

April 22, 2019

90

1 be the most safe.

2 THE COURT: I saw that.

3 MS. RUSSO: So I do believe he would be safe there.

4 But I do want to talk about protection of the public and other
5 girls like the ones you've heard from today, Your Honor.

6 So this defendant, when it comes to his conduct, I
7 think that it is aggravating and it shows that he's the most
8 culpable because of a few different factors. One is
9 trendsetting, Your Honor. This defendant's group became the
10 exemplar for others on Website A. But it wasn't just on
11 Website A where he started a trend, a prototype for other
12 offenders to follow.

13 Cruelty, Your Honor, is the second factor that I
14 think makes him stand apart. I had never seen any offender
15 and I have been a part of every sentencing for this case with
16 this type of cruelty. It is unparalleled. It is shocking.
17 It is horrible, Your Honor. And I think the single example
18 that I will give you that I think says it all is the comic
19 that he had specifically saved regarding Amanda.

20 The self harm that he directed for these girls and
21 encouraged, particularly minor victim 8, the blackmail. I
22 find different layers of this blackmail. Every new day
23 there's more that I find out about it and I'm scared about
24 what I don't know.

25 The distribution of the images and the videos that he

1 made across the internet without regard to the fact that these
2 girls videos and images would be distributed like that and who
3 else might get them. The games pitting the girls against one
4 another. I think it was minor victim 2 that told me that for
5 him the jackpot was them self harming. I don't have words for
6 that.

7 And then the fact that he was so obsessed with these
8 girls harming themselves that he saved a 41-minute video of a
9 girl -- and I have no evidence to suggest that he had direct
10 contact with her. But she was on a website he was on. And
11 there's nothing in the video except her killing herself, Your
12 Honor.

13 The video is a girl that was 12 years old in the
14 United States and he has this video on his computer. And
15 there's no explanation for why someone would save that video
16 to their computer. But that is the type of thing that I see
17 again and again in reviewing the images and videos on his
18 devices is there are videos that aren't even about sexuality.
19 Or there's nothing in those videos that anyone could find
20 appealing, no matter what your sexual interest is.

21 Then Your Honor, the next thing that I think makes
22 him more culpable in an aggravating factor is his
23 sophistication. I've spoken about that already. I wasn't
24 even aware that he took over MV-24's web camera at one point
25 until today. The next aggravating factor is the scope of this

April 22, 2019

92

1 conduct.

2 He wasn't just on one website unlike most of the
3 other offenders in this case, Your Honor. And he wasn't just
4 a hunter, he was a talker, he was a looper, he was a
5 blackmailer. He served all the different roles. The duration
6 of his conduct, Your Honor, ten years every single day doing
7 this day in and day out. He was on Website A the day before
8 the search warrant execution. Even after two months of the
9 warning from the Seattle police department.

10 The size of his collection, Your Honor, 105,347 child
11 exploitive videos and images. 1,128 hours of child
12 pornography. But the most staggering part of that, Your
13 Honor, is the 2,260 logins he made in the two months before
14 the search warrant. This is after Seattle police had warned
15 his family. After mom said she was going to monitor his
16 laptop.

17 It is incredible to me that he was logging on that
18 much during those two months. But not just that he was
19 logging on, but that he was logging on to suicide room,
20 punishment, crying and fun, crying and stuff, ho MV-23, those
21 sorts of rooms, Your Honor. Those are the rooms he was
22 picking to go on to on Website A.

23 The content of his devices is the next aggravating
24 factor, Your Honor. We have depictions of infants, toddlers,
25 prepubescent children, bestiality, and girls self harming

1 themselves. We have the screen shots that I've talked about
2 of self harm. And we have screen shots that he saved with the
3 words BM or blackmail to come back to at a later time. And
4 finally, Your Honor, resulting harm is the other things that
5 sets this defendant apart from any other.

6 I think all but maybe two of the identified victims
7 came here today on the day after Easter weekend. And that
8 wasn't because of anything other than the harm that he did to
9 these girls because they wanted you to hear their voices
10 because he has caused life altering results because of his
11 conduct. And that -- they have had to live with what he did
12 to them for everyday since it occurred. And so they came
13 here, Your Honor, so that you could hear their voices.

14 And I think from their statements you heard the type
15 of things that his conduct resulted in. And I think Your
16 Honor can see the distinction not -- all of this harm is bad.
17 None of the girls that have suffered because of this case have
18 suffered lightly.

19 But when you look at the number of girls that were
20 blackmailed in this particular case and the number of girls
21 who attempted suicide, and then you look at what happened with
22 Amanda. And the last thing I'll say about Amanda is, everyday
23 again we're finding out more information about this. We won't
24 know the whole picture until after the sentencing.

25 But he did have Amanda as a Skype contact and he did

1 share her Skype with other people that were offenders on
2 Website A and other websites. We don't have any content of
3 their Skype conversations. They go back too far. We don't
4 have conversations before 2011. But that is what we know.
5 Thank you, your Honor.

6 THE COURT: All right. Well, thank you, very much.
7 Mr. Thomas.

8 MR. THOMAS: Hard to sit here for three hours and not
9 appreciate the harm that has been caused by his conduct.
10 Judge, I think that there is a legal distinction that could be
11 made between his conduct and his cumulation of the amount of
12 child pornography and the consequences of that that lie
13 directly at his feet. And he's embraced by his guilty plea.

14 I'm not trying to take away from it in some crafty
15 argument. I think we have to embrace what happened here. And
16 we did. I think that we have to acknowledge the harm not only
17 what was for us to hear by the victims and their family, but
18 also the other harm that's out there.

19 But this Court should not sentence Mr. Berenson based
20 on the fact that there's other stuff out there that may have
21 been available in the 24 months that he's been incarcerated
22 that they've had a chance to look at the materials, 22 of
23 which he's suffered in solitary confinement because of the
24 autism syndrome and the things that have happened to him while
25 he's been in custody.

1 But there's a distinction and I saw how well worded
2 the government's sentencing memorandum is. I would like the
3 Court to acknowledge the fact that Amanda Todd's suicide is
4 something that we should all be concerned about and that the
5 concert of action between all people on the internet led to
6 her death.

7 Michael had no conversations with Amanda Todd. He
8 accumulated the pornography that was related to Amanda Todd.
9 In and of itself a crime. In and of itself reprehensible.
10 But to lay her death specifically at his feet because
11 inferentially he contributed to it by communication, I think
12 that that was an unfair argument. And I don't know whether or
13 not the judge saw it.

14 I talked to April before we came here today and asked
15 her to concede that. She said that she was going to tell you
16 something about that, but I did not hear that. And if I'm
17 wrong, I'll take -- I'll take responsibility for it. But my
18 impression --

19 MS. RUSSO: Your Honor, I'm not disputing that he --
20 that I don't have evidence of direct contact with her. I just
21 have the production of child pornography of her.

22 THE COURT: Okay.

23 MR. THOMAS: All right. I don't want to get out of
24 hand regarding arguments back and forth on this. Because I
25 think what I'm here to say and what the whole thrust of my

1 sentencing memorandum was that we have a couple of jobs to
2 do here as sentencing, one of which is to be compassionate and
3 to acknowledge the wrong that has been committed here. And I
4 think that the Court has done that and I'm trying to do it
5 here.

6 And I'll say it, on behalf of the family of Michael
7 and Michael in his communications with me, it's impossible to
8 know the depth of which damage has been done to these
9 families. And I sincerely apologize on behalf of my client
10 and his mother and father who traveled from Portland to come
11 here today.

12 That goes without saying. And I know that the crime
13 itself is something that the Court has to consider for
14 purposes of sentencing. There's other purposes of sentencing.
15 Deterrence, rehabilitation, and also considering the history
16 and characteristics of the defendant and all the 3553 factors
17 which I tried to address.

18 THE COURT: You did.

19 MR. THOMAS: And Judge, I want to say something.
20 That thing came late. And I know --

21 THE COURT: Oh, I read every -- I read the abstracts
22 of the articles. But I read every word that you submitted to
23 me. I did not read all the articles. I read the abstract and
24 I skimmed the articles.

25 MR. THOMAS: So let me say something about Michael

1 Berenson. Let me not be accused of not looking back and
2 seeing what has been caused by what it is that he did.

3 This is a young man that's been loved by his family.
4 Did not know of his conduct. And it was hidden conduct. And
5 maybe they should have taken more responsibility to look
6 behind some of the facts that were disclosed here by the
7 government.

8 But they got caught blind sided with a young man who
9 was challenged and who didn't have real education about a lot
10 of things. About sex, about life, about socialization, about
11 all of the things that go into growing up with a syndrome, a
12 disorder that he didn't choose to have. It's a
13 neurophysiological syndrome. And I don't, as suggested by the
14 government, suggest that it caused the conduct.

15 This Court inquired about maybe his criminal
16 responsibility. That is not being contested here.

17 THE COURT: Right.

18 MR. THOMAS: He has pled responsibility. He has
19 acknowledged that he's done. And he stands before you in a
20 way vulnerable. He could go to jail for life in prison and he
21 knows it. And he knows there's no appeal.

22 I tried to show him that maybe there's some other
23 things that we should look at to make sure that we have a just
24 and a humane sentencing. Not a humane sentence -- not a
25 sentence as the government might suggest.

1 I feel that there's a moral component to what it is
2 that they're doing here. It's been said to me that they think
3 that he's a monster. They have said that he was somebody
4 other than a human being. I just -- I want to get beyond
5 that. I want to talk about who he is and why he is.

6 And what it is that we now have a responsibility to
7 do at sentencing when it comes to standing up for this young
8 man on my part and for your part hopefully to take a look and
9 see what it is that can go into the factors.

10 Well, what factors contributed to his crime. Don't
11 excuse them. What contributed to the crime. And what are the
12 factors that we have to look at to provide for a just sentence
13 which includes what's happened to him while he's in jail.
14 What's going to happen while he's in prison. What are the
15 things that he's going to get that he needs, the tools that he
16 needs while he's in prison.

17 And hopefully let's dispel this myth that
18 rehabilitation is impossible. I think that rehabilitation can
19 be possible. I think the Bureau of Prisons is starting to
20 address it. They're placing people in pods so that they can
21 be protected.

22 I talked to you about what happened in Milan and I
23 know you know it. It resonated throughout the entire
24 district. It can't just be two people in a room. And okay
25 you can fight and kick your way out of it. You'll get seven

1 guys come in the room and they'll stab you to death with
2 something they're not even supposed to have.

3 THE COURT: Right.

4 MR. THOMAS: That can happen if he doesn't go where
5 there's going to be groups of them accumulated. Programs in
6 effect for people who are there. And placement with
7 nonviolent prisoners.

8 Now I have to say something that's not in my brief.
9 All right. Your sentence -- and I've seen yours and Judge
10 Murphy's, Judge Borman's, and the other judges. I've seen
11 their sentences. I don't know because I addressed it to Judge
12 Murphy. He didn't know that if you sentence him to any more
13 time than 20 years left to serve, he will go in a medium
14 security facility.

15 THE COURT: I can make a recommendation and I can
16 request that that -- that the recommendation of the facility
17 be reported back to me. I can require that I get a report of
18 it. And I'm told by the Bureau of Prisons that they'll pay
19 careful and close attention to that and do everything within
20 their authority to comply with it.

21 MR. THOMAS: I do understand that. But his security
22 status is going to be based upon factors that may transcend
23 the judge's recommendation.

24 THE COURT: What is your request for the facility?

25 MR. THOMAS: Well, Judge, I want him to go to a

1 sexually offensive specific institution. There are seven of
2 them available. I like Littleton, Colorado. We've reached
3 out to them. And we've asked that you give Inglewood
4 consideration. Taking a look at Allen Ellison's [phonetic]
5 book, which everybody seems to want to cite as a resource, I
6 talked to Allen Ellison about it and Cathy Schaeffer
7 [phonetic], who is one of my consultants on this case, reached
8 out to them.

9 That is our best recommendation for that. But I was
10 going to save that for the end because I wanted to focus more
11 on the factors that the Court should look at to determine a
12 just sentence. But that's not in my brief specifically. But
13 the request for that facility is.

14 And that goes along with a plan that I have for
15 rehabilitation which includes not only his incarceration in a
16 specific program that they have in the Bureau of Prisons for
17 sex offenders, but also his step down to community confinement
18 and a program for him after he leaves which includes
19 continuation of therapy.

20 You know, 20 years from now who knows who's going to
21 be alive. I probably won't be. But money being set aside so
22 that he can go to the alpha house where he'll have in patient
23 treatment for a significant period of time up to a year and a
24 half or two years at the expense of a trust fund that the
25 family's going to set up for him.

April 22, 2019

101

1 It's about \$200,000 for that program. This is from
2 the family, not Michael, who doesn't have a million dollars in
3 Bitcoin.

4 THE COURT: Okay.

5 MR. THOMAS: But who may have been engaged in a
6 hyperbole with the therapist about the value of his trading.

7 THE COURT: Well, no, it was his mother who said at
8 one point that he did have it but that he didn't invest in --

9 MR. THOMAS: Judge, he had enough to pay rent is the
10 implication.

11 THE COURT: And that came from a trust from the
12 grandparents.

13 MR. THOMAS: Oh, well he doesn't have money in trust.

14 THE COURT: Oh, not a trust but a gift. A gift from
15 the grandparents.

16 MR. THOMAS: Yeah, I don't have a gift. I have a
17 family with inheritance which they would be in the direct
18 line.

19 Michael's grandfather was a world renown heart
20 surgeon. And he was -- even into his 90's he was on staff
21 emeritus at a famous institution in Louisiana. He was quite
22 wealthy because the things that he did continued to be
23 practiced and he had tremendous wealth and recognition. And
24 Michael had gained some of his intelligence from his
25 grandfather. And certainly his mother who's been very

1 resourceful and very helpful.

2 And the government wants to blame him for his
3 intellect. I say this, there's no taking away from what this
4 young man did. His ability to not only communicate in a
5 setting that others worked to get the girls to do what it is
6 that they did. He was focused on that and he was able to do
7 it.

8 But it is his syndrome which caused his lack of
9 empathy, his theory of mind that allowed him to continue to do
10 these things without any thought about what it is that he was
11 doing to these young girls, what the consequences of his
12 actions were going to be. How this was going to play out in
13 the end.

14 His syndrome evidence made him very, very
15 shortsighted. And certainly without the ability to form what
16 you and I would have if we did something that we felt sorry
17 for.

18 I will tell you, this is probably the most
19 interesting case that I've ever had. I've had -- I'm
20 terrified. Terrifying for what the consequences of this are,
21 terrifying in remorse to see these young girls and their
22 parents come up here. I feel their anger. To understand that
23 this Court is going to be focusing on Michael and what his
24 conduct was and hope that maybe that there would be another
25 way to look at this. And so that's what I tried to suggest.

April 22, 2019

103

1 I don't know that I've seen except for maybe one
2 sentence where there was a 20-year sentence. Everybody else
3 has been around 30, 40, some as high as 44 I think.

4 THE COURT: I think so.

5 MR. THOMAS: And that's a heavy burden. That's a
6 very heavy burden. And I'm wondering what is a just sentence
7 in light of what it is that I've tried to present to the
8 Court. You've been very, very kind to the people that have
9 come up here, and rightfully so.

10 How does a judge justify a sentence that's less than
11 life in prison when universally everybody that came in here
12 asked for it. And I've tried to give you a way to do it. I
13 don't know how successful until the end. But it's with
14 sincerity and I tried to show some science here. I didn't try
15 to just say pull it out of my hat, you know. Let's just see
16 -- throw it against the wall, see if it sticks.

17 There is legitimate science out here that talks about
18 the fact that autism has not been recognized in criminal
19 justice except for since the 40's. Maybe 50 or 60 years.
20 That people, whether they're the county sheriffs or people
21 with the Bureau of Prisons, that they haven't really addressed
22 the issue of how it is that you're going to rehabilitate
23 somebody who has a neurophysiological disorder, something that
24 they're born with. And how it is that they're going to change
25 behavior.

April 22, 2019

104

1 But it looks like in the last ten years that there
2 has been a recognition that there are programs and there are
3 therapeutic methods which you can behaviorally change a
4 person's conduct.

5 Now how long does that take? I mean, he's motivated.
6 He's obviously standing in front of you for a sentence.
7 Everybody's motivated by that. But to the best of his ability
8 and God bless him, he couldn't even pay attention this whole
9 time. You know I wanted him to focus on the witnesses and
10 what they were saying. He can't. It's just the way he is.

11 But there are cognitive methods, behavioral methods
12 that they can employ while they are incarcerated. And in
13 these programs, in the sex offender specific treatment
14 programs, that can address that issue. He can be saved. I
15 don't want to lose this guy for the rest of his life. I'm
16 asking you to try and take that into consideration.

17 I addressed the 3553 factors. I can run through them
18 and explain them. Judge, we've been here for now almost four
19 hours -- three and a half hours. I put every factor in the
20 3553 factors I could think of.

21 THE COURT: I did read your submissions as well as
22 the letters that were attached.

23 MR. THOMAS: And this whole idea, theory of mine is
24 probably one of the most pivotal points. How can somebody
25 commit an act and not feel remorse? How can somebody

April 22, 2019

105

1 perpetuate what it is that they've done and persevereate,
2 continue to focus, focus, focus on it even after Portland --
3 Seattle police officers, police departments came out there. I
4 did it, too. It's the other end of the world, Judge.

5 Even though they came out four months earlier and
6 said there's something going on. You know, how do you -- how
7 do you continue to do that? Well, okay. One explanation is
8 that he's a monster and that he continued in what it is that
9 he did. I suggest another. And that is that the syndrome
10 evidence and the factors that Dr. Parker had talked about
11 contributed to it, not that they excuse it.

12 And without check, mom and dad, they didn't check.
13 The police authorities didn't follow up. He didn't have an
14 education that included sex education. People think of people
15 that are autistic as asexual. Well they're not. They just
16 don't know how to express it.

17 And here is the most horrible end that can occur
18 without education, without monitoring, and without the things
19 that are necessary for somebody, somebody to survive getting
20 hooked on the net, which you know that's a catch phrase now.

21 There is nothing more compelling, nothing more
22 compelling. And I can't -- if you don't have an outlet, the
23 internet is. And when my kids upstairs 19 years old and he's
24 upstairs more than an hour on the internet, I walk up.
25 Because you never can tell. And you have worse fears.

April 22, 2019

106

1 And here they are realized here because he didn't
2 have the education. He didn't have the close monitoring. He
3 didn't have the tools. And he perseverated in this horrible
4 contact, series of contacts.

5 Judge, he could never view all the material that he
6 accumulated. And nobody's saying he did. And there's a lot
7 of duplications in there. That's the worst argument. But his
8 collection of it and as a function of autism and now being
9 punished because of the amount and being treated because of
10 the fact he had that amount, I'm not sure that's fair. I'm
11 not sure that's entirely fair.

12 There was a reference to him as a psychopath. I
13 think do share some of the traits of a psychopath. But
14 Michael, he's not a psychopath. Michael's not a monster.
15 Michael is not an animal. Mike is a human being with a
16 condition. And that condition was one that he was born with.
17 He was born with it. What do we do about it?

18 I think he can be rehabilitated. And I think we can
19 proffer in consideration I think we can have a plan. He's
20 still 30. That he can have a life after that. And there
21 could be assurances to the community that he's not going to
22 commit the crime again. So.

23 My focus was to get away from the moral outrage. And
24 that's a hard thing to do because this involves sexuality in
25 human beings and hidden behavior. And here it is now in court

April 22, 2019

107

1 open for the whole world to see. Which leads me to the
2 government publishing his face in their sentencing memorandum.
3 That was not [Inaudible] and which I'm hoping that the
4 government did ask the Court to place under seal.

5 I would like to have their memorandum and any
6 photographs of Michael placed under seal. Because when he
7 goes to prison, I don't want him to have a fate that Christian
8 Mare [phonetic] had. And the people that are in there are
9 devious in their ways to get to those things. But this one
10 they don't have to get to because that's just on Pacer.

11 And I'm surprised at Robert Snells [phonetic] giving
12 him no credit because I think that he sometimes he overreacts
13 to things that he hasn't publicized it. So I'm asking that
14 anything as specific to Michael's conduct or his face be
15 placed under seal.

16 THE COURT: What page is his face on?

17 MS. RUSSO: Your Honor, I already have taken that
18 down.

19 THE COURT: Okay.

20 MS. RUSSO: And after talking to Jim, he raised that
21 concern within an hour I sent -- about the face, Your Honor.
22 Within an hour, I had taken it down and filed a new memo with
23 that redacted.

24 THE COURT: Because I never saw it.

25 MS. RUSSO: The memo is not under seal but that is

1 redacted.

2 THE COURT: I understand that. And there's no reason
3 for the memo to be under seal but his face is no longer there.

4 MR. THOMAS: Very well. His father is here. His
5 mother is here. She begged me to talk. I told her no.
6 Michael's here. He will talk. Briefly. Only briefly.

7 THE COURT: Okay.

8 MR. THOMAS: This Court --

9 THE COURT: Well, I read his mother's letter.

10 MR. THOMAS: Oh they're here. And his brothers and
11 sisters. Well intended letters. Well intended letters from
12 successful people. Michael's cousin, the lawyer from New
13 York, former Assistant U.S. Attorney, he wrote a wonderful
14 letter.

15 And then people who had known Michael as a child,
16 they see a completely different person than the man that
17 stands before you because his conduct was hidden. But they
18 still said nice things about him. And there is a side to him
19 that I want the Court to see him. That's why I included those
20 letters.

21 THE COURT: Thank you.

22 MR. THOMAS: All right. If I can ask for one second,
23 then I'm going to allow Mr. Berenson to talk.

24 THE COURT: Okay. Mr. Thomas, can you just remove --

25 MR. THOMAS: Can I stand next to him?

April 22, 2019

109

1 THE COURT: He's going to remain seated.

2 MR. THOMAS: Please do.

3 THE COURT: Then I'll ask you to move the microphone
4 down so that he can speak into it. There you go.

5 MR. THOMAS: The last piece is -- and I'll accuse me
6 of testifying as much as I would accuse the government of
7 testifying. I sat with this man on many, many, many
8 occasions. The Court noticed that there was an affect and you
9 wondered whether or not he was competent and he is. And we've
10 never said anything otherwise.

11 THE COURT: And I asked a series of questions to
12 assure myself that he's competent, knows the difference
13 between right and wrong, knows what's going on here, who the
14 prosecutor is, what my role is. And I was very confident that
15 he did understand those things at the conclusion of the
16 hearing.

17 MR. THOMAS: His affect is different. You may not
18 see it or you may see it depending how this plays out. His
19 affect may be different. And I saw him towards the end
20 feeling the stresses of this.

21 He had let himself go, you know. And his hair was
22 let go long and he was not taking care of himself. And he was
23 -- he had ideations of suicide. He's been isolated for that.
24 But there was never a question in my mind either about his
25 competence. But I wanted the Court to know about the affect

April 22, 2019

110

1 which is confirmation of the fact that this man has been
2 diagnosed since he was 2 years old.

3 You know I read about Larry Dubin's [phonetic] son
4 and the case about Larry Dubin's son. And I actually met with
5 Larry Dubin with John Shea. Larry Dubin at 29 -- Larry
6 Dubin's son at 29 years old was not diagnosed with Asperger's
7 syndrome, autistic syndrome.

8 THE COURT: Okay.

9 MR. THOMAS: There's a difference. In any event --

10 THE COURT: There's some debate about whether there's
11 a difference, but we won't go into that now.

12 MR. THOMAS: We won't go into that.

13 THE COURT: Yeah.

14 MR. THOMAS: And I've taken too long. But this is a
15 young man that has been diagnosed with autism since he was 2
16 years old. He didn't talk until he was 4. He has all the
17 tell-tale signs of the syndrome are present here to a greater
18 or lesser extent.

19 There's no question about this young man having some
20 disorder that has affected him in his life and that has
21 attributed to his conduct. And I hope the Court finds that.

22 THE COURT: Okay. Thank you, very much, Mr. Thomas.

23 Mr. Berenson, this is your opportunity to speak on
24 your own behalf if you wish to, but you're not required to.

25 THE DEFENDANT: I'm sorry about what I did. You know

April 22, 2019

111

1 it's so easy to get caught up in something. And I wasn't
2 thinking about what I was doing. I knew it was wrong. I did
3 it. And I'm sorry.

4 I was only thinking about myself. And if given the
5 chance, I would like to make -- do whatever I can to make sure
6 that I never hurt another person or do anything wrong. Not
7 because it's illegal, but because I -- my family wanted me to
8 be a good person and clearly I haven't. And I want to go
9 forward as being the best person I can be.

10 THE COURT: Okay. Well, thank you, very much.

11 MR. THOMAS: One more thing.

12 THE COURT: Okay.

13 THE DEFENDANT: And again, I am very sorry to
14 everyone that I've hurt. I've embarrassed my family. I lied
15 to my family about what I was doing and I'm sorry about that.
16 I lied to others as well. I'm sorry about that. And I'm very
17 sorry to have hurt so many more people.

18 Not just the people I was talking to online. But
19 after hearing how it affected them and just -- and how they
20 had to go through therapy and all that, see I wasn't thinking
21 about that. I was just thinking about the feel good feelings
22 that were happening at the time. But never understood the
23 real damage that happens long term.

24 And while I live in prison, I've read in the law
25 library other victim impact statements from other sex abuse

April 22, 2019

112

1 cases. And that I now see just how damaging it is. And that
2 I think back now in my -- I think back about like how would I
3 like it if someone took advantage of me. And if that was --
4 if those images were of me being circulated I would not like
5 it.

6 And I had no right to do that to someone else. And
7 I'm very sorry about that. And I'm sorry doesn't really --
8 doesn't do what I -- it doesn't undo what I did. But
9 hopefully I can move forward and never hurt someone else
10 again.

11 THE COURT: Okay. Well, thank you, very much, for
12 your remarks. Before I turn to the imposition of this
13 sentence, I want to thank all of the lawyers and the agent,
14 Ms. Russo, Ms. O'Connor, Agent Christianson as well as the
15 defense lawyers Mr. Thomas and Mr. Shea.

16 Our constitution is a very powerful document. And it
17 gives the government the authority, responsibility, right to
18 bring this case, to investigate it. It is a tremendous amount
19 of work. It is a tremendous sacrifice to be exposed to the
20 kind of conduct that this case was involved with.

21 So I thank the government for bringing this case to
22 justice. And I think Mr. Thomas and Mr. Shea. Our
23 constitution and the Sixth Amendment provides for the
24 effective assistance for a lawyer for anyone who's accused of
25 a crime. We should all be thankful for that because it

April 22, 2019

113

1 permits the process to function and to move forward. And
2 their job as defense lawyers is very hard as well.

3 But they have a job in our constitution and they have
4 fulfilled it in this case. And so I'm thankful that the case
5 can move forward and come to a resolution.

6 So turning to the imposition of the sentence, I'm
7 required by law, 18 U.S. Code section 3553(a) to fashion a
8 sentence that is sufficient but not greater than necessary to
9 achieve the statutory objectives. And I'll go through each
10 objective and discuss how I think those objectives apply in
11 this case.

12 Section (a)(1) of the law requires that I look at the
13 nature and circumstances of the offense. And then look to the
14 history and characteristics of Mr. Berenson. I do not have
15 words that describe the seriousness of this offense.

16 Together, Mr. Berenson, you and 26 other adult men
17 viscously and cruelly set out to destroy the lives of scores
18 of children, perhaps hundreds, maybe more, for your own sexual
19 gratification. You attempted to change their lives forever.
20 And you took at least one life. And as far as I know, it's
21 more than one when the whole conspiracy is taken into
22 consideration.

23 Although I heard in each one of these victims and
24 individuals and their parents a determination to survive and
25 to do more than survive, to actually thrive in their lives.

April 22, 2019

114

1 And I know this can be accomplished even though it will not be
2 easy.

3 Each of the girls you've victimized and hurt came
4 into this world with a bright future, trusting that those
5 around them only wished them well. You tried to rob them of
6 that. You took advantage of bright and vulnerable young
7 children.

8 In your conduct in this case is reprehensible beyond
9 description. You found these girls. You wooed them to a
10 secret website. Coerced them to do things they didn't even
11 know existed. And you filmed it.

12 But that was not enough. You shared it with other
13 adult men. And you tracked them down -- you tracked these
14 girls and their personal information about them and threatened
15 them with taking this information to schools, families,
16 grandparents. And I understand that you did that in many
17 cases.

18 You took over their web cameras, computers, laptops
19 and you stalked these girls in the most private of all places,
20 their own homes and their own bedrooms. You derived pleasure
21 from their pain.

22 I have sentenced people who have murdered other
23 people, who have intentionally shot, killed, and stabbed
24 people. But even in doing that act, they were driven to it in
25 an impulse, at a moment due to either a gang fight or some

April 22, 2019

115

1 other thing. And the remorse that they felt within the
2 instant of doing it was palpable to me at sentencing.

3 I understand that you carry a diagnosis of autism.
4 But there's one thing that I know about autism and I
5 absolutely know it to be true, nothing, absolutely nothing
6 about autism or Asperger's means that you do not know the
7 difference between right and wrong.

8 I have the good fortune of having been raised by a
9 mother who is an expert in autism, high functioning autism,
10 Asperger condition and I was raised with people -- for my
11 spring breaks I was at a summer camp caring for children with
12 autism.

13 So I know that you know the difference between right
14 and wrong. Yet you and your co-defendants in this case
15 violated the basic human compact that we all must have to live
16 together in a civilized society. You set aside what you know
17 to be the difference between right and wrong and you acted as
18 if you were devoid of human compassion.

19 I read the abstracts and I have to commend Mr.
20 Thomas. His sentencing memo was thorough and balanced and
21 compelling. You did an excellent job presenting the strongest
22 possible argument in your sentencing memo. But none of the
23 articles -- and I think you've said as much -- indicated that
24 torturing vulnerable children is associated with autism.

25 Perhaps the perseveration. Perhaps the quantity.

1 But he's not being sentenced for the quantity. I will not
2 punish you more or less because of your autism. And I do
3 understand that you have OCD, obsessive compulsive behavior
4 types of things that can be associated with autism spectrum
5 disorder.

6 And although Dr. Parker did not do intelligence
7 testing, what I see in his report is someone who has
8 exceptional intelligence and skills. The situation in school
9 where you rigged up some sort of printing error, I took that
10 as taking over the computers and making them send things to
11 the printer. I don't know if that's what it was.

12 Is that what it was.

13 THE DEFENDANT: No. I typed up a Word document in
14 Microsoft Word. This is a 500 page printing joke.

15 THE COURT: Oh.

16 THE DEFENDANT: And then when it first printed, the
17 screen popped up, how many copies do you want printed, and I
18 entered 500.

19 THE COURT: I see. Well, what I can say about that
20 is I'm of average intelligence and I promise you I could never
21 have accomplished that. I tried to, along with the law clerk,
22 to make a table of contents for an opinion and couldn't do it
23 without help.

24 So let me turn back to this autism for a minute. You
25 were born with autism. And it is both a burden to you and

April 22, 2019

117

1 your family. But it can also be a gift. You can stay focused
2 in a way that other people can't on something and develop
3 incredible capacity. But you used your talents in an evil and
4 unspeakable way.

5 What you did do these beautiful and amazing children
6 and their families and their friends and their community is
7 beyond comprehension. You went into those homes, that sacred
8 place, and you coerced, abused, threatened, and hurt them.

9 I'm working as hard as I can in this case to
10 understand how you and your co-defendants set aside that sense
11 of right and wrong. All sense of one human being's duty to
12 another. And I will never know the answer to that as much as
13 I wish I could.

14 I have lived with this case since it was filed. And
15 it has shaken me to the core to know that you and others like
16 you exist in our world and have hurt so many young people in
17 such a horrible fashion.

18 Many people may wish that you rot in hell. I do not
19 wish for that for you or for your family. I believe in the
20 inherent worth and dignity of all human beings. And just as
21 none of you in your case, none of you and your co-defendants
22 cannot take the humanity from these girls and their families.
23 You can't take it from me either. None of us will be
24 destroyed by your conduct.

25 Section (a)(2)(A) requires that I look at a sentence

April 22, 2019

118

1 that will reflect the seriousness of the offense, promote
2 respect for the law, and constitute just punishment.

3 Obviously a significant custodial sentence is
4 required and warranted in this case to reflect the terribly
5 serious nature of the offense. I think enough has now been
6 said about the seriousness of the offense. But to me, this
7 case is by all means the most serious of all the cases I have
8 handled in my short five years on the bench.

9 Section (a)(2)(B) requires that I fashion a sentence
10 that will afford adequate deterrence. I do not know what it
11 would take to deter others from committing a similar crime.
12 But it is my hope and my prayer that the sentence meted out in
13 this case will accomplish some measure of deterrence. If it
14 does that, the sentence will have been a success.

15 Section (a)(2)(C) requires that I fashion a sentence
16 that will protect the public from further crimes that you as
17 an individual might commit. I absolutely must fulfill my duty
18 under sentencing law to protect the public from you.

19 You were visited -- I don't know what that word means
20 -- by the Seattle Police Department and warned that you were
21 under scrutiny for this conduct. But you continued. Your
22 mother was contacted by a victim I have been told. But you
23 continued. And by all means, your family was aware that the
24 Seattle Police Department had been inside your house.

25 I have no choice in such a case but to impose a

April 22, 2019

119

1 sentence that will protect these children and others from you.

2 Section (a)(2)(D) requires that I look at a sentence
3 that will provide you with needed educational or vocational
4 training, medical care, and other correctional treatment. And
5 I heard in the beautiful and eloquent words of these victims a
6 hope that you are able to achieve treatment and be
7 rehabilitated.

8 We do not have the death penalty in cases like this.
9 Although I know that a tragedy occurred at the Milan detention
10 center and I consider it a absolute tragedy to one of your
11 co-defendants, I absolutely know that we owe a duty to protect
12 you from harm at the hands of other inmates.

13 And so I read the government's supplemental briefing
14 this morning and heard Mr. Thomas. And Mr. Thomas, the
15 government suggests the penitentiary at Marion because they
16 both have a combination of mental health treatment and autism
17 as well as sex offender treatment.

18 So I will ultimately fashion a sentence that takes
19 into consideration what will be required to protect your
20 client and for him to receive the appropriate correctional
21 treatment. And I guess I will turn to you right now to tell
22 me whether you've had the opportunity to look at the Marion
23 and Tucson recommendations from the government?

24 MR. THOMAS: Judge, the problem with Marion is
25 twofold. If Michael gets into a situation where he is going

April 22, 2019

120

1 to be confronted or bullied as it has happened in the other
2 institutions that he's in now, I don't -- his coping
3 mechanisms are not what they need to be.

4 If he gets into trouble, they're going to lock him
5 into a penitentiary setting. I think that his classification
6 at best right now if you were consistent with some of the
7 people that were sentenced in front of Judge Murphy would be
8 he'd be a medium. What I'm looking for is the ability to get
9 into a low, which is why I suggested the 20 years. I just
10 want you to understand my thinking on it.

11 THE COURT: Okay. Here's the thing, I don't make the
12 security classification determination. That's made by BOP.
13 It's not made by me.

14 MR. THOMAS: For you to recommend Marion would
15 probably go higher than what we think the BOP would do under
16 any circumstances.

17 THE COURT: Oh, I see.

18 MS. RUSSO: So Marion, Your Honor, is a medium
19 security and Tucson is a high security system. So I think
20 that what Mr. Thomas might be objecting to.

21 MR. THOMAS: Well --

22 THE COURT: And Mr. Thomas mentioned Littleton,
23 Colorado. Do they have a sex offender treatment?

24 MR. THOMAS: Yes.

25 THE COURT: I see.

April 22, 2019

121

1 MR. THOMAS. There's like seven institutions that
2 have it. This is one of them.

3 THE COURT: Okay.

4 MR. THOMAS: And we've called them. And it's low and
5 medium. I'd like to check the book on it to make sure. But
6 Inglewood is in Littleton, Colorado. And it has the
7 facilities to give him not only the cognitive training but
8 also the other things that go along with it so that he can
9 rehabilitate better.

10 I'm just thinking it's unrealistic to put him in a
11 penitentiary or a place where he's going to go into a
12 penitentiary if he gets confronted. Because he doesn't have
13 the coping mechanisms and he can't keep his mouth shut.

14 And what's happened is he gets into verbal contact
15 with these guys. And they're much more physically
16 confrontational group. And so he gets into a physical
17 confrontation. And then what happens, Judge, is both of them
18 go into the hole.

19 THE COURT: Okay.

20 MR. THOMAS: And that's why he's been 22 out of 24
21 months in. One over a candy bar. Another over someone trying
22 to force him into sex. I'd like to at least give him a
23 chance.

24 THE COURT: I do, too. Thank you.

25 I am required to consider under Section (a)(3) the

April 22, 2019

122

1 kinds of sentences that are available. And this -- in this
2 particular case there's a mandatory minimum of 20 years. And
3 the guidelines call for a life sentence.

4 Under Section (a)(6) I'm required to avoid
5 unwarranted sentencing disparities among defendants with
6 similar records found guilty of similar conduct. To that end,
7 I have in the presentence report all of the sentences in this
8 conspiracy and related cases that I have reviewed and then
9 compared where Mr. Berenson falls in terms of culpability in
10 the conspiracy.

11 So in light of that and pursuant to the Sentencing
12 Reform Act of 1984, having considered the guidelines and
13 factors in 18 U.S. Code section 3553(a), Mr. Berenson, I
14 hereby commit you to the custody of the United States Bureau
15 of Prisons for a term of 55 years, which is a total of 660
16 months.

17 Upon release from custody, you'll be placed on
18 supervised release for a term of five years. It's further
19 ordered that you pay a special assessment of \$100 which is due
20 immediately. It's further ordered that you pay a justice for
21 victims trafficking act assessment of \$5,000, which is due
22 immediately.

23 I will waive the imposition of a fine, the cost of
24 incarceration, and the cost of supervision due to your
25 personal lack of financial resources. While in custody,

April 22, 2019

123

1 you'll participate in the Inmate Financial Responsibility
2 Program. It's further ordered that you pay restitution
3 payable to the clerk of court for disbursement to the victims.

4 The specific victims as well as the restitution
5 amounts will be determined when?

6 MR. THOMAS: Judge, we have how many victims?

7 MS. RUSSO: We have a stipulation pending, Your
8 Honor. And we can get that filed within the next two weeks or
9 so. But I believe there are about 20 victims that will each
10 be getting \$5,000, Your Honor.

11 THE COURT: Okay.

12 MS. RUSSO: Per the stipulation.

13 THE COURT: Thank you. And so I'll anticipate you
14 submitting that within the next two weeks approximately.
15 Okay.

16 Mandatory drug testing is suspended pursuant to 34
17 U.S. Code section 40702. You're required to cooperate with
18 the collection of a DNA sample as directed by the probation
19 officer. While on supervision, you'll be required to abide by
20 the standard conditions in the Eastern District of Michigan as
21 well as the following special conditions.

22 Number one is you're required to comply with all
23 requirements of the sex offender registration notification
24 act. And any other sex offender registration agencies in the
25 city or state where you're living.

April 22, 2019

124

1 You're required to complete sex offender diagnostic
2 evaluations. You will be prohibited from associating with
3 minor children under the age of 18 except in the presence of a
4 responsible adult who is aware of the nature of your
5 background and the current offense without approval, prior
6 approval, from a probation officer.

7 You may not have unsupervised contact -- you don't
8 have any children. Never mind. You are prohibited from
9 purchasing, selling, viewing, or possessing images in any form
10 of media or live venue that depict pornography, sexually
11 explicit conduct, child erotica, or child nudity. You may not
12 patronize a place where any of that material or entertainment
13 is available.

14 You must have any residence pre approved by
15 probation. And you may not live or reside in a place with a
16 child under the age of 18 or adults with disabilities without
17 prior approval of the probation officer. You may not have
18 contact directly or indirectly with any victim or witness in
19 this case unless approved by the probation officer.

20 You will be prohibited from having any computer,
21 internet, or cellular phone -- well, we'll go with computer or
22 internet access of any sort. You'll be required to inform the
23 residence of any premises where you live of this condition for
24 yourself.

25 And you'll be required to submit yourself, your

April 22, 2019

125

1 residence, anything that you have control over to a search
2 which would be conducted by the probation officer at a
3 reasonable time in a reasonable manner based on reasonable
4 suspicion of violation of these terms.

5 And if relevant at the time, you will be required to
6 participate in a mental health counseling program and to take
7 all medications prescribed by a doctor or psychiatrist in the
8 dosages and at the times proposed.

9 And based on the restitution in this case, if it is
10 not paid by the time of your release, you may not accrue any
11 credit charges or open up lines of credit without approval of
12 the probation officer unless you're in compliance with the
13 payment schedule.

14 So that will constitute the sentence in this case.

15 In your guilty plea, Mr. Berenson, you waived or gave
16 up your right to appeal your sentence as long as I sentenced
17 you in accordance with the guidelines, which I have done. But
18 if you or your lawyer believes you have a right to appeal your
19 sentence, you must do so within 14 days of entry of the
20 judgment. And you can request that a lawyer be appointed if
21 you don't have the money to pay for one.

22 Ms. Russo, are there any counts to be dismissed?

23 MS. RUSSO: There are, Your Honor. I would dismiss
24 the remaining counts of the indictment.

25 THE COURT: Okay. That request is granted. And are

April 22, 2019

126

1 there any objections to the sentence that has just been
2 pronounced that have not been previously raised?

3 MR. THOMAS: Yes. Judge, not objection.

4 THE COURT: Oh, we've got to deal with the location
5 issue.

6 MR. THOMAS: Well, credit for time served back to May
7 10th of '17 when he was arrested.

8 THE COURT: Yes. That is -- I will grant that
9 request as well.

10 MR. THOMAS: All right.

11 MS. RUSSO: And Your Honor, just I think you said
12 this probably. So I'm sorry if I missed it. But that he be
13 enrolled in the Inmate Financial Responsibility Program.

14 THE COURT: Yes. Yes. And the request is for the
15 Inglewood facility in Littleton, Colorado. But you had a
16 second one as well. Or are those two different places?

17 MR. THOMAS: No, they're the same.

18 THE COURT: Okay. That's one.

19 MR. THOMAS: And Judge, if you take a look --

20 THE COURT: So I will make a recommendation that that
21 facility, that the Bureau of Prisons consider that facility
22 for Mr. Berenson.

23 MR. THOMAS: Judge, exhibit -- I'll show you off the
24 record the exhibit and then you can decide what it is that you
25 want to do. I would object to having him go to Marion.

April 22, 2019

127

1 Marion is --

2 THE COURT: I'm not doing that.

3 MS. RUSSO: Yeah. I have no problem, Your Honor,
4 with that. I was just trying to provide potential places. If
5 BOP doesn't designate him in Colorado, I would just ask that
6 he go to a sex offender program institution. And the
7 government has no preference. We're just trying to provide
8 helpful information.

9 MR. THOMAS: And towards that end, Exhibit 13 and 14.

10 THE COURT: Okay. Yeah. I saw those. You list in
11 those Marion was one of those listed. And so is USP Tucson.
12 But they're not at the top of the list.

13 MR. THOMAS: Right. And what that is, Judge, is
14 that's a compilation of all that have sex offender specific
15 training programs. But from my experience having been to
16 Marion and what I've heard about going to Littleton, I would
17 like to ask you for that.

18 THE COURT: Okay. All right. So the -- the judgment
19 will include a recommendation for placement at Inglewood in
20 Littleton, Colorado. Or if that place is not suitable based
21 on any number of factors, there are co-defendants that need to
22 be kept separate from one another and so on. So then the
23 recommendation will be for another facility with a sex
24 offender treatment program.

25 MR. THOMAS: So you've had at least 27. Judge

April 22, 2019

128

1 Borman's had some. Judge --

2 THE COURT: Murphy.

3 MR. THOMAS: There's some overlap with Judge Murphy.

4 But there aren't enough facilities to have separation orders
5 for them. In fact, the Bureau of Prisons encourages that they
6 put them together so that they can defend themselves. And
7 that's what they're doing. That's the process.

8 So if anybody's red flagging anybody, maybe we ought
9 to talk about --

10 THE COURT: I don't know. I just said -- I don't
11 know what BOP's considerations are. And I don't know that
12 it's about defending themselves. I think it's about getting
13 treatment in a facility.

14 But whatever it is, I think the government has a duty
15 to protect your client from harm. And it will be my intention
16 that he be placed in such a facility where he will be
17 protected from harm. So that will conclude the sentencing
18 hearing.

19 I think I asked you whether there were any objections
20 to this sentence. Did I -- I think I asked that.

21 MR. THOMAS: What is it going to do, Judge? If
22 there's an issue about guidelines, I'll save that for a lawyer
23 on appeal. If it's an issue regarding ineffective assistance
24 of counsel, I'll leave that for somebody else.

25 THE COURT: Okay.

April 22, 2019

129

1 MR. THOMAS: With broader shoulders and thicker skin.

2 THE COURT: All right. Well, thank you again for all
3 the lawyers who are involved and the agent. But thank you
4 also to all of the people who traveled here. It was very
5 inspiring and helpful to me to meet all of you.

6 (Proceedings Concluded)

7 - - -

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9 CERTIFICATE OF OFFICIAL COURT REPORTER

10 I, Jeseca C. Eddington, Federal Official Court
11 Reporter, do hereby certify the foregoing 129 pages are a true
12 and correct transcript of the above entitled proceedings.

13 /s/ JESECA C. EDDINGTON
14 Jeseca C. Eddington, RDR, RMR, CRR, FCRR

6/11/2019
Date

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